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International Court of Justice

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File I

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Official Transcript of the International Military Tribunal in the Matter of The United States of America, the French Republic, the United Kingdom of Great Britain and Northen Ireland, and the Union of Soviet Socialist Republics again against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany, on 1 April 1946, 1000 to 1300 hours Lord Justice Lawrence presiding.

(The Defendant Ribbentrop resumed the witness-stand.)

THE PRESIDENT: Have any of the Defendants' Counsel any questions they want to put to the Defendant?

DR. SEIDL (Counsel for the Defendants Hess and Frank): Yes, your Honor.

BY DR. SEIDL:

Q Witness, the preamble to the pact drawn up between Russia and Germany is worded as follows:

"In view of the present tension between Germany and Poland, we agree to the following in case of conflict" --

Do you recall that the preamble had that wording?

A I don't remember the exact wording, but it was more or less like that

Q Is it correct that during the negotiations in Moscow on the 31st of August Ambassador Gauss took part as legal adviser and drew up this Pact?

A Ambassador Gauss took part to a certain extent in the negotiations and along with me drew up the Pact.

Q I shall now read an extract from Gauss and ask you a few questions in connection with it --

THE PRESIDENT: Dr. Seidl, what document are you going to read?

DR. SEIDL: I shall read from the declaration made by Dr. Gauss, No,3, and in connection with it, ask a few questions of the witness, because a few points remain in connection with the Pact that have not been clarified sufficiently as yet.

(General Rudenko approached the lectern.)

THE PRESIDENT: Yes, General Rudenko?

GENERAL RUDENKO: I do not know, Mr. President, what relationship these questions have with the Defendant Hess, who is defended by Dr. Seidl, or with the Defendant Frank. I do not wish to speak about this affidavit, as I do not attribute any importance to it. I only wish to draw the attention of the Tribunal to the fact that we are not investigatting problems concerning the policy

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of Allied Nations, but we are investigating the charges against the main German war criminals, and such an endeavor on the part of the Defendant is an attempt by Defense Counsel to divert the attention of the Tribunal from the issues we are investigating.

I therefore propose that we reject this question not relevant.

(Consultation between members of the Tribunal, en banc.)

THE PRESIDENT: Dr. Seidl, you may ask the questions.

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Q. Ambassador Gauss stated, under No. 13 of his affidavit:

"The Reich Foreign Minister's airplane arrived around noon of the 31st of August at Moscow. I had accompanied him to advise on legal matters. On the afternoon of the same day Ribbentrop spoke with Stalin, at which time only Ambassador Hilger, as interpreter, and perhaps Ambassador Schulenburg were present as the German delegation. I was not present.

"The Reich Foreign Minister returned from this long conference and stated that the treaty wanted by the Germans would be brought about. Further discussion of the documents about to be signed was set for the late evening. I personally took part in the second conference. So also did Ambassador Schulenburg and Ambassador Hilger. On the Russian side the negotiations were conducted by Stalin and Molotov, whose interpreter was Pavlov. Without difficulty and with rapidity, we reached an agreement on the text of this German-Russian Non-aggression Pact.

"In the preamble of the text of the agreement that I drew up there was rather a long statement regarding friendship between Russia and Germany, to which Stalin objected with the remark that the Soviet Government, after it had been subjected to insult by the Nazi government for six years, could not make public all of a sudden protestations of friendship between Soviet Russia and Germany. That passage in the preamble was thereupon deleted or changed.

"Along with the Non-aggression Pact, a discussion took place about a secret protocol, which, as I recall, was called a secret protocol or secret additional protocol, the terms of which dealt with a limitation of the two spheres of interest in which various European countries were considered. Whether the expression "sphere of interest" or other such expressions were used therein, I do not recall. Germany declared that it had no interest in Latvia or Esthonia but did consider Lithuania to be part of its sphere of influence.

"Concerning Germany's interest in the other two Baltic countries, this can be said: The Reich Foreign Minister wanted to except a certain part of the Baltic from agreement, but the Soviet government, particularly since it was interested in the ice-free ports in this region, was not agreeable to this exception.

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"Because of this point, which had already been discussed in Ribbentrop's first discussion, Ribbentrop had a telephone conversation with Berlin, which took place only during the second discussion, in which he was empowered, in direct conversation with Hitler, to accept the Soviet standpoint. A demarcation line was laid down for the Polish territory. Whether it was drawn on a map annexed to the protocol or whether it was simply described in words, I do not now recall. Moreover, in regard to Poland, an agreement was reached that the two powers, at the final decision of these questions, would act in concord. It is, however, possible that this last agreement regarding Poland was reached only after the change foreseen in Paragraph 5 of the protocol.

"Regarding the Baltic countries, it was determined that Germany had only economic interests there.

"The Non-aggression Pact and the second document were signed rather late that same evening."

Witness, in the sworn affidavit of Gauss, this is to be found: that at the final decision regarding Poland, the two countries would act with each other's knowledge. Was this agreement reached already on 31 August?

A. Yes, that is true. At that time the serious German-Polish crisis was already at hand, and this question was discussed, and I should like to emphasize that there was not the slightest doubt in either Stalin's or Hitler's mind that if all the negotiations with Poland came to naught the territory that had been taken from these two powers by force of arms would be reunited with the two powers by force of arms. In this sense, the eastern territories would be turned over to Germany. It was also agreed that Stalin would never accuse Germany of aggression because of its actions in Poland.

Q. Another question --

A. Rather, if an aggression was spoken of here, this would be spoken of in both cases and that both parties would be spoken of as guilty of it.

Q. Was the demarcation line in this secret agreement described only in words or was it drawn on a map annexed to the agreement?

A. The line of demarcation was drawn roughly on a large map. It ran along the Rivers Rysia, Bug, Marew, and San, and that was the line of demarcation that was to be adhered to in case things reached

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the point of war with Poland.

Q Is it correct that on the basis of the agreement reached in this agreement, not Germany, but Soviet Russia, was to receive the greater amount of territory?

A I do not know the exact proportions, but, at any rate, the situation was this: That all regions east of these rivers were to go to Soviet Russia, and all west of these were to be occupied by German troops. The organization of this territory as intended by Germany still lay open and had not yet been discussed by Hitler and me. It later became the General Government of Poland after the regions lost to Germany following the first world war incorporated into Germany.

Q Now, something else: You stated last Friday that you wanted Russia to join in the Tripartite Pact. Why did that fail?

A That failed because of Russian demands. The Russian demands-- I should perhaps say first that I had agreed with Molotov in Berlin that we would negotiate further over diplomatic channels. I would exert my influence on the Fuehrer to see to it that regarding the demands already made by Molotov in Berlin a compromise agreement of some sort could be reached.

Then Schulenburg sent us a report from Moscow and informed us of the Russian demands. In this report, first, the demandswas renewed for Finland The fuehrer, as known, told Molotov that he did not wish that, after the winter's war of 1940, up in the north there war should break out anew. The demand regarding Finland was brought up again, and we supposed that would lead to an occupation of Finland That was difficult, since it was a demand that the Fuehrer had already turned down.

A second demand concerned the Balkans, specifically, Bulgaria. Russia wanted basis there and close relations with Bulgaria. The Bulgarian Government, with which we had close relations, did not wish this.

Moreover, it was for both the Fuehrer and Mussolini a difficult question to meet these Russian demands because of our economic interest in wheat, oil, and so on. Moreover, the will of the Bulgarian governmnet was against it.

There was then, thirdly, the demandsof the Russians for bases of a

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military nature, and then, also, the wish that Molotov had expressed to me in Berlin to have the outlet of the Baltic Sea. Molotov told me at that time that, of course, Russia was interested in Jutland and other such regions.

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At that time I discussed these demands and wishes very exhaustively with the Fuehrer. The Fuehrer said we would have to get in touch with Mussolini, who was interested also in a part of these demands. This took place, but both the Balkan demand and the Dardenelles demand found no reception by Mussolini.

He mentioned also the fact that Bulgaria did not want these things either, and on the question of Finland, neither Finland nor the Fuehrer wanted to agree to these demands on the part of Russia.

Negotiations took place during several months. I recall that on the basis of a telegram from Moscow in December 1940 I had another long conversation with the Fuehrer. It was my idea that if we could reach some compromise between the Russian wishes and the wishes of the various participants, we could then reach such a strong coalition that would finally bring England to peace.

THE PRESIDENT: What is this all an answer to? What was your question that this is supposed to be an answer to?

DR. SEIDL: In essence he has answered the question already. The question was, what circumstances --

THE PRESIDENT: (Interposing) Dr. Seidl, if he has answered the question you should stop him.

DR. SEIDL: Very well.

BY DR. SEIDL:

Q. I now come to another question. What intentions did Hitler have in regard to the military strength of Russia?

A. Adolf Hitler told me once and expressed himself so -- this was during the time that he became worried about what was taking place in Russia in the way of preparations against Germany. He said, "We of course do not know what is concealed behind this door, and we may one day be obliged to break this door open."

This and other statements that the Fuehrer made at this time drove me to state to him that on the basis of what he knew about Russia already it should cause him great concern about attacking Russia.

Q. What induced Hitler to run this danger of an offensive action against Russia?

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A. This was as follows:-

THE PRESIDENT: (Interposing) Hasn't this been dealt with extensively and exhaustively by the defendant Goering? You are here as counsel for Hess.

DR. SEIDL: If the Tribunal is of the conviction that this has already been adequately handled, I have no further questions.

THE PRESIDENT: Before you sit down, Dr. Seidl, you were putting Gauss' affidavit to the defendant, I suppose with the intention that he should say that the affidavit was true; is that right?

DR. SEIDL: Yes.

THE PRESIDENT: You didn't put to him paragraph 4 of the affidavit at all, did you?

DR. SEIDL: I cited only number 3, numbers 1 and 2; 4 and 5 I did not read, in order to save time.

THE PRESIDENT: The answer to my question was, yes, you did not put it. Should you not put the end of paragraph 4 to him, which reads in this way:

"The Reich Foreign Minister regulated his words in such a manner that he let a war-like conflict of Germany with Poland appear not as a matter already finally decided upon but only as an imminent possibility. No statements which could have included the approval or encouragement for such a conflict were made by the Soviet statesmen on this point. Rather the Soviet representatives limited themselves in this respect simply to taking cognizance of the explanations of the German representatives."

Is that correct?

DR. SEIDL: That is so.

THE PRESIDENT: I am asking the witness. Is that correct?

THE WITNESS: I may say the following to this. When I went to Moscow no final decision had been reached by the Fuehrer --

THE PRESIDENT: (Interposing) Well, couldn't you answer the question directly? I asked you whether the statement in the affidavit was correct or not. You can explain afterwards.

THE WITNESS: Not quite correct, no.

THE PRESIDENT: Now you can explain.

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THE WITNESS: Not precisely correct insofar as a decision on the part of the Fuehrer to attack Poland had not yet been reached. There is, however, no doubt that during the discussions in Moscow it was perfectly clear that the possibility, if the last effort at negotiations failed, could be taken at any time.

THE PRESIDENT: Well, what is the difference between that and what I have just read to you? What I read to you was this:

"The Reich Foreign Minister regulated his words in such a manner that he let a war-like conflict of Germany with Poland appear not as a matter already finally decided upon but only as an imminent possibility. "

I should have thought your explanation was exactly the same as that. That's all.

DR. SEIDL: Mr. President, may I mention something very beiefly in this connection? The witness Fauss was only present at the second conference. He was, however, not present at the previous conference between the witness von Ribbentrop on the one hand and Molotov and Stalin on the other hand. At this conference only Ambassador Hilger was present. Consequently, I ask the Tribuna in view of the importance of this point, to call the witness Hilger

THE PRESIDENT: Dr. Seidl, as you know, you can make any application in writing for calling any witness that you like, and also the Tribunal wishes me to say that if the Prosecution wish to have the witness Gauss here for a cross examination they may do so.

DR. SEIDL: Very well. Then I should like to put in evidence as Number 16 the sworn affidavit of Ambassador Gauss.

THE PRESIDENT: Yes, certainly.

MR. DODD: May it please the Court, as far as I understand, there is some slight danger of the witness Gauss being removed from Nurnberg. I would like to state at this time that we would like to have him retained here for long enough time for possible cross examination.

THE PRESIDENT: Very well.

Do any other members of the defendants' counsel want to ask questions?

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BY DR. NELTE (Counsel for Keitel):

Q. The defendant Keitel states that in the autumn of 1940 he discussed the question with Hitler of war with Russia, and in order to do so came to Fuschl to talk these questions over with you. He believed that you too had doubts about this. Do you recall that at the end of August he was in Fuschl?

A. Yes, he visited me there.

Q. Do you recall that Keitel then stated to you his opinion of the war that might be threatening?

A. Yes, that is so. He spoke of that at that time. I believe he said that the Fuehrer also discussed it.

Q. What I am driving at is this. Keitel states that he spoke with you about a memorandum that he intended to submit to Hitler, and this concerned itself with the doubts that he felt about waging a was with Soviet Russia.

A. That is so. Keitel told me at that time that he intended to submit a memorandum to Hitler, and he expressed his doubts about a conflict between the Soviet Union and Germany.

Q. Did you have the impression that Keitel was an opponent of that war at that time?

A. Yes, that is so. I had that impression very clearly.

Q. Is it true that he, as a result of this discussion, asked you in your turn to support his point of view by talking with Hitler about these doubts?

A. Yes, that is so, and I told him at that time that I would do so, that I would speak to Hitler, and he also would do the same.

Q. Another question, regarding the flight of the French General Giraud. Is it true that Keitel, when the French General Giraud escaped from Koenigsteir asked you to take measures in order to bring about, through the French Government, the voluntary return of Giraud to Germany?

A. Yes, at that time he suggested whether or not it might be possible, by way of negotiations with the French Government, in some way or other to induce Giraud to return to imprisonment.

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Q Did it then happen, through the mediation of Ambassador Abetz, that a meeting took place with Giraud in occupied France?

A Yes, such a meeting took place. I believe Amabssador Abetz met Giraud, who, as I recall, appeared in the company of Laval. The Ambassador did everything he could in order to induce the General to return, but that finally did not succeed. He was promised safe conduct for this return. However, then Laval and the General went away again.

Q The prosecution has submitted an order, the object of which was the branding of Soviet prisoners of war by marking on their skin. Keitel, who is asserted to be responsible for this order, states that he spoke with you about these questions at the headquarters at that time in Vinnitza, that he had to speak with you because this question of prisoners of war had touched the international law department of the Foreign Office.

Do you recall that in this connection Keiter asked you whether there were international law scruples against this branding which Hitler wished?

A The situation was this. We heard of the intention of identifying prisoners of war in this way. We went to the headquarters and spoke with Keitel about this matter. It was my opinion that such a way of identifying prisoners was out of the question. Keiter was also of this opinion and, so far as I recall, gave orders that this intended form of identification should not be used.

DR. NELTE: I have no further question.

BY DR. KRANZBUEHLER (counsel for defendant Doenitz):

Q Witness, when did you make the acquaintance of Admiral Doenitz?

A I made his acquaintance after he was appointed in the High Command of the Navy.

Q That was in 1943?

A I believe so.

Q Either before or after this time, did Doenitz have any practical influence on foreign policy or attempt to have such an influence?

A I never heard that Doenitz made any effort to exert any influence on foreign policy.

Q Do you recall Marshal Antonescu's visit to the Fuehrer's headquarters on the 27th of February 1944?

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ters on the 27th of February 1944 ?

A I recall that Antonescu visited the Fuehrer several times, every six months or so, and I believe that at the beginning of 1944 he did visit the Fuehrer.

Q Do you recall whether Antonescu then took part, as guest, in the military discussion?

A I believe that was certainly so, because the situation was usually this. When Antonescu came, the Fuehrer explained the military situation to hir that is, he invited him to take part in the so-called noon military discussion of the situation. I don't recall the exact date now, but there can be no doubt that Marshal Antonescu took part in a military discussion of the situation.

Q Besides military discussions were there also discussions of a political nature with Antonescu?

A These discussions begas as follows: Either the Fuehrer was alone with him, or perhaps I was there. Then the others withdrew, and the Fuehrer and he had a long political discussion.

Q Did Doenitz take part in these political discussions ?

A Certainly not, because the Fuehrer seldom had the military men at these political discussions with Antonescu. Sometimes, very occasionally, that was the case, but that Admiral Doenitz took part in a discussion with Antonesc I can hardly believe.

DR. KRANZBUEHLER: I have no further questions.

BY DR. SIEMERS (counsel for defendant Raeder):

Q Witness, the prosecution put in, as evidence, a document concerning a discussion between you and the Japanese Ambassador Matsuoka. The document carries the number 1877-PS, and the number USA Exhibit 152. It is on page 1007 of the German court record.

The prosecution cited a part of this document and, among other things, th following passage concerning Raeder:

"The Reich Foreign Minister returned once more to the question of Singapore. In view of the Japanese fears of submarine attacks from the Philippines and the interference of the English Mediterranean and home fleet, he spoke once more with General Admiral Raeder. Raeder said to him

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once more with General Admiral Raeder. Raeder said to him that the English fleets in this year were so busy in British home waters and in the Mediterranean that they could not spare one single boat for the Far East. The American submarines Admiral Raeder considered so bad that Japan did not have to worry about them."

Witness, as Raeder clearly remembers, you, as Foreign Minister, never proke with him about strategic matters regarding Japan, or about the value or uselessness of American submarines. I should be obliged to you if you could clarify this point, whether there is some error here as to the person involved in this discussion.

A That is altogether possible. I do not now recall either that I ever spoke with Admiral Raeder about German-Japanese strategy. We had only very loose connections with Japan.

If I, at that time, said to Matsuoka what you have there quoted, I must have had that from the Fuehrer, and he must have induced me to say that. I could not have said it on my own initiative, because I did not know about thos things. However, I do know that the Fuehrer spoke to me several times about points relating to Japan, so it is possible that this originated with the Fuehrer. I do not know who has testified to this.

Q This document carries the title, "Notes on conference between the Foreign Minister and Matsuoka."

A Oh, Yes, I have seen that. Then it is possible that the Fuehrer said that, in fact, I consider that probable, and it can be that some mistake was made in the notes.

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Q. Witness, did you inform the defendant Raeder of such political discussions that you had with Matsuoka?

A. No, that is not possible.

Q. Did you ever speak with Raeder about other political questions or have him present at political negotiations?

A. No, that was not our practice at all. Rather, the Fuehrer kept military and political matters strictly separate so that a military man never had an opportunity, through me, to discuss political matters, and I, as Foreign Minister, never had an opportunity to discuss military matters at my office.

If there were discussions, they took place at the Fuehrer's headquarters. These matters were very sharply separated. If such discussions took place at all -- and at the moment I can't remember any -- then they were always at the Fuehrer's.

DR. SIEMERS: I thank you.

BY DR. LATERNSER (Counsel for the General Staff and the OKW):

Q. Witness, Baron Steengracht, whom you had as a witness, answered my question as to whether the high military men were informed of political matters in the negative. I ask you now whether you, as Foreign Minister, oriented the high military men in political matters.

A. No, I must anwer the question as I answered the previous question. That was not our practice. All the political and military matters came in contact only at the Fuehrer's. The Fuehrer told me what I had to do in a diplomatic and political field, and told the military men what they had to do militarily.

Orientation on my part in military matters happened only via the Fuehrer, but it happened only seldom, and what the military men had to know of a political nature they never found out from me, but if they found it out at all, they found it out from the Fuehrer.

DR. LATERNSER: No further questi ns.

BY DR. BOEHM (Counsel for the SA):

Q. Witness, did you have an order, on the basis of which you informed the SA leadership of the development and treatment of foreign political matters?

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A. The SA? No. There was no such order.

Q. Did the SA leadership have any influence on foreign policy at all?

A. No.

Q. And then I should like to ask another question for my colleague Dr. Sauter who is sick.

In 1943, were you witness at a conversation between Hitler and Himmler in which von Schirach was discussed and the question of accusing him before the Volksgericht was brought up?

A. Yes.

Q. What consequences would such a trial before the Volksgericht have had?

A. I cannot say, of course. I do not know the details of this matter. I only know that Himmler, in my presence, made the suggestion to Hitler that Schirach should be brought before the Volksgericht for some reason or other. I don't know the details. However, I, in my turn, said that this would make a very bad impression, particularly in a foreign political way, and I know that the Fuehrer then did not give Himmler any order at all.

What consequences that would have had I cannot say, but if Himmler did make such a suggestion, the consequences would have been very serious.

Q. How is it that you were witness to this conference, and what was your attitude at it?

A. I have already said that I said at that time that it would make a very bad impression. I said that to Himmler and Hitler. I am not familiar with these matters.

DR. BOHM: No further questions.

THE PRESIDENT: Are there any other questions on behalf of the defendants' counsel?

CROSS EXAMINATION

BY SIR DAVID MAXWELL FYFE:

Q. Witness, when you began to advise Hitler on matters of foreign policy in 1933, were you familiar with the League of Nations' declaration of 1927?

A. To which declaration are you making reference?

Q. Don't you remember the League of Nations' declaration of 1937?

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A. The League of Nations made many declarations. I ask you to inform me of which you are talking.

Q. It made rather an important one, about aggressive war in 1927, didn't it?

A. I do not know about such a declaration in detail, but it is clear that the League of Nations, like everyone else, was against aggressive war, and at that time Germany was a member of the League of Nations.

Q. Germany was a member, and the preamble of the declaration was:

"Being convinced that a war of aggression would never serve as a means of settling international disputes, and is in consequence an international crime..

Were you familiar with that when you --

A. (Interposing) Not in detail, no.

Q. It was rather an important matter to be familiar with if you were going to advise Hitler, who was then Chancellor, on foreign policy, wasn't it?

A. This declaration was certainly important, and it corresponds exactly to my opinion at that time. Unfortunately, the individual people demonstrated that the League of Nations was not in a position to save Germany from disgrace.

Q. Did you continue to hold that as your own view? Did you continue to hold the expression of opinion I have quoted to you from the preamble as your own view?

A. That was my basic opinion, but on the other hand I was of the opinion that in some form or other Germany also had to be helped.

Q. So I gathered. Now, apart from that, if you weren't familiar in detail with that resolution, were you familiar in detail with the Briand-Kellog Pact?

A. Yes, I knew about that.

Q. Did you agree with the view expressed in the preamble and in the pact that there should be a renunciation of war as an instrument of national policy?

A. Yes.

Q. I just want you to help us on how you carried that out. Let's take the first example. Are you telling this Tribunal that as far as you know, no pressure or threats were made to Herr von Schuschnigg?

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A. You mean in the discussions on the Obersalzberg with Hitler?

Q. Yes, on the 12th of February.

A. At this discussion --

Q. (Interposing) Witness, answer the question first, and then you can give your explanation. Are you saying that no pressure or threats were put to Herr von Schuschnigg on the 12th of February? Answer that yes or no, and we will go into the explanation later.

A. In that sense, no. I believe that the great personality of the Fuehre made such an impression of Schuschnigg, and the arguments that he presented, that Schuschnigg finally declared himself agreeable to the proposals that Hitler made to him.

Q. Now, let's just look into that.

A. I personally, after the first talk with Adolf Hitler, had a conversation with Schuschnigg from which I could perceive his reaction to the first conference. This reaction was that of having received a vast impression from Hitler's personality and attitude. Schuschnigg, in this conversation, emphasized to me that this conversation with Hitler took place in a very friendly way and that he, and I quote him, regarded this as a historical occasion by which the two people should be brought closer together.

Q. Who were present at the Berghof -- I don't say in the room, but in the building or about? Were there present Hitler, yourself, the defendant von Paper, the defendant Keitel, General Sperrle, and General von Reichenau?

A. I believe that is so, yes.

Q. And on the morning of the 12th, I think that Hitler and von Schuschnigg were together for about two hours before lunch in the morning, isn't that so?

A. I don't know the time precisely. Anyway, they had a long conversation.

Q. And then, after lunch, von Schuschnigg was allowed to have a short conversation with his own Foreign Minister, Guido Schmidt, isn't that so?

A. I can't say that precisely, but it is possible.

Q. Then, after that, von Schuschnigg and Guido Schmidt were called before you and the defendant von Papen, isn't that right?

A. I don't remember that. I don't believe so.

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Q. Don't you remember that? Just think again.

A. Do you mean -- then I didn't understand the question, perhaps.

Q. Then I'll put it again. After a conversation that Schuschnigg had with Guido Schmidt, he and Schmidt came before you and the defendant von Papen and had a conversation with you, about which I will ask you in a moment.

Now, isn't it right that you and von Papen saw von Schuschnigg and Guido Schmidt?

A. No, I don't believe so. I don't believe that is true.

Q. Don't you remember exhibiting to von Schuschnigg a typewritten draft containing the demands made on von Schuschnigg? Now, just think.

A. That is altogether possible. Hitler had dictated a memorandum, and it is possible that I gave it to Schuschnigg, yes, but I am not sure any more of the details.

Q. What memorandum --

A. (Interposing) Let me add that I do not know about this and I must add for the better understanding of the thing that at this time I was not at all oriented regarding Austrian problems because Hitler handled these matters personally, and I, for a few days --

Q. (Interposing) If you hand someone a memorandum at what you have described him as saying was a historic meeting, presumably you can give the Tribunal at any rate an outline of what the memorandum contained. What were the points in the memorandum?

A. Curiously enough, I really do not remember that in detail. This whole meeting was one between the Fuehrer and Schuschnigg, and everything that was agreed to there was suggested to the Fuehrer by someone else, or was suggested by the Fuehrer himself and then dictated. I did not know the details. I only know that it was a question then, first of all, of bringing about better relations between Germany and Austria, because National Socialists had been arrested in Austria and thus the relations between the two countries had been greatly troubled.

Q. Well, if I remind you, perhaps, it will bring it back. Weren't the three points the reorganization of the Austrian cabinet, including the

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appointment of the defendant Seyss-Inquart to the Ministry of Security in the Interior; second, a general political amnesty of Nazis convicted of crimes; and thridly, a declaration of equal rights for Austrian National Socialists and the taking of them into the Fatherland Front? Are these the points that you were putting to von Schuschnigg?

A. That is more or less correct, I guess, although I don't remember exactly. That would correspond to what I knew about Austrian matters at that time.

Q. And did you tell von Schuschnigg that Hitler had informed you that these demands which you were offering were the final demands of the Fuehrer and that Hitler was not prepared to discuss them?

A. I can't recall it in exactly those terms, but that is possible. It is possible that I told Schuschnigg something to that effect.

Q. Did you say, "You must accept the whole of these demands"?

A. No, I don't believe so. I exercised no pressure on Schuschnigg at all I know that this conversation lasted from an hour to an hour and a half and was confined to generalities and also personal matters. From this conversation I had a very favorable impression of Schuschnigg's personality and could not have exercised any pressure on him.

Q. You told us that before, and I am suggesting to you that at this conversation you were trying to get Schuschnigg to sign the document containing these terms which you agree that you may have had. I want you to remember the answer and remind you of that.

Don't you remember Herr von Schuschnigg turning to the defendant von Paper and saying, "Now, you told me that I wouldn't be confronted with any demands if I came to Berchtesgaden," and Herr von Papen apologizing and saying, "That is so. I didn't know you were going to be confronted with these demands.'

Dont you remember that?

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A No, I don't. Also, that cannot be true.

Q We will just see.

Do you remember von Schuschnigg being called back to speak to Hitler again and Guido Schmidt remaining with you to make some alterations in the document which you were putting?

A That is quite possible, that changes were made. I don't remember the details, though.

Q But did you hear that in this second conversation with Hitler, Hitler telling Schuschnigg that he must comply with these demands within three days?

A No, I have heard that for the first time today.

Q Just be a little careful before you say you have heard anything for the first time today, because in a moment I will show you some document.

Are you sure you didn't hear that Hitler told Schuschnigg he must comply within three days or Hitler would order the march into Austria?

A I consider that to be out of the question.

Q If he had said that you will agree that that would be the heaviest military and political pressure? There could be no other pressure than suggesting marching into Austria, could there?

A In view of the situation that existed between the two countries at that time, that would have been a pressure, certainly, but in the long rum it would have been impossible to find any solution between these two countriesif they had not come closer together, and I, I should like to emphasize, always stood on the view that these countries should enter into close relations, and I had in mind a customs union.

Q Let us come back to this interview which I am putting back to you that took place on the 12th of February. Don't you know that Schuschnigg said "I am only the Bundeskanzler. I have to refer to President Miklas, and I can only sign this protocol subject to reference to President Miklas?" Don't you know that?

A No, I don't remember that in detail.

Q Don't you remember Hitler pointing to the door and calling Keitel?

A No; I have already heard about that here.

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Q You know it is true, don't you?

A I heard about that here for the first time.

Q You know it is true, don't you?

A No, I don't.

Q Don't you remember Keitel going in to speak to Hitler?

A I have already said I haven't heard about that. I don't know about that.

Q Do you know that von Schuschnigg signed this document on the condition that within three days these demands would be fulfilled, otherwise Germany would march into Austria?

A No, that I didn't know.

SIR DAVID MAXWELL FYFE: I think it would be convenient if the witness had the German document book in front of him. I tried to get most of the pages agreeing.

THE PRESIDENT: Sir David, perhaps this would be a good time to break off.

(A recess was taken).

BY SIR DAVID MAXWELL FYFE:

Q Witness, will you look first, at the defendant Jodl's diary, the entry for the 13th of February, it is the Ribbentrop document book page 9, U.S. 72, 1780-PS. The entry is as follows:

"In the afternoon General K."--that is Keitel--"asks Admiral C."--that is Admiral Canaris--"and myself to come to his apartment. He tells us that the Fuehrer's order is to the effect that military pressure by shamming military action should be kept up until the 15th. Proposals for these deceptive maneuvers are drafted and submitted to the Fuehrer by telephone for approval."

You were suggesting on Friday that the defendant Jodl had got hold of rumors or gossip, is it? That is a definite order, a superior order to General Keitel, isn't it?

A I don't know anything about any military measures, so that I couldn't pass any judgement about the value of this note. The Fuehrer did not inform me about any military measures.

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Q Are you telling the Tribunal you were there, that you were taking part handling the document, and that Hitler never said a word to you about what he was arranging with the defendant Keitel, who was also there?

A That is correct.

Q Well, now, just look at the next entry for the 14th of February:

"At 2:40 o'clock the agreement of the Fuehrer arrives. Canaris went to Munich to the Counter-Intelligence Office and initiates the different measures.

"The effect is quick and strong. In Austria the impression is created that Germany is undertaking serious military preparations."

Are you telling this Tribunal that you knew nothing about either these military measures or the effect on Austria?

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A About the military measures, I did not know anything but I consider it quite possible that the Fuehrer, in order to put more pressure on his wishes, had done something in this field.--

Q But, witness, just a moment !

A -- and that may have contributed to the solution of the problem.

Q Yes, I quite agree. That is just why I am putting it to that -- it did contribute -- but surely you as Foreign minister of the Reich, with all the channels available to a Foreign Minister, knew something about the effect in Austr_, which General Jodl was saying, that the effect was quick and strong; the impression was created that Germany is undertaking serious military preparations. Are you telling the Tribunal, on your oath, that you knew nothing about the effect in Austria ?

A I would like to point out again that about military measures, I did not know anything and if I would have known, I wouldn't have had any cause to say now that it wasn't a fact. It is a fact, however, that during the years before and during the days before the conversations between the Fuehrer and Schuschnigg, I was busy at the time taking over the Foreign Office, and so much so, that as far as the Austrian problem was concerned, I only considered it as being on the edge of foreign political matters.

Q You know -- also you know, you were engaged in the Foreign Office; and my question was perfectly clear -- my question was: Are you telling this Tribunal that you didn't know anything about the effect in Austria -- you, as Foreign Minister of the Reich? Now, answer the question. Did you or did you not know of the effect in Austria?

A Yes, I did not know anything about that effect and I could not observe it in detail.

Q I see, that is your story and you want that to be taken as a criterion, a touchstone of whether or not you are telling the truth; that you, as Foreign Minister of the Reich, say that you knew nothing about the effect in Austria of the measures taken by Keitel on the Fuehrer orders? Is that your final answer?

A I can say quite precisely, again, I heard from the Fuehrer when sometime later I went to London, and that is the first thing I remember about the

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entire Austrian affair, that these things proceeded somewhat according to the conversations in Berchtesgaden. In detail, any special observation according to my recollection, I did not know during these days -- it is possible that I forgot that in the meantime because there were many years between then and now.

Q Just look at the next two entries in Jodl's diary: "15 February. In the evening, an official communique about the positive results of the conference at Obersalzberg was issued." 16 February. Changes in the Austria Government and the general political amnesty." Do you remember me putting to you what Herr von Schschnigg signed -- and the condition was made that the matters would come into effect within three days; within three days there was a conference about the effects and the changes were announced in Austria in accordance with the note that you had put to Schuschnigg. You can see that that is clear, isn't it -- three days -- three days -- you still say --

A Of these three days I know nothing. I said that before, but that out of this meeting would have come consequences in the way of appeasing that was a matter of course.

Q You call it "appeasing"? Is that your considered view to the Tribunal that assuming that the defendant Jodl is telling the truth or assuming that the defendant Keitel said that to him, as General Jodl was saying, that these military preparations should be put in hand, isn't that the most severe political and military pressure that could be put on the chancellor of another state

A If one considered the problem from the higher point of view, no; but here we deal with a problem which, under the circumstances, could have led to war, to a European war, and I believe that it is better -- and I have later expressed that to Lord Halifax in London -- it was better that this problem should come to a solution than to be a point of disturbance in the European Continent.

Q I don't want to put words in your mouth. Do you mean by the last answer, that it was better that political and military pressure should be put on Schschnigg so long as the problem was solved? Is that your view ?

A I didn't get that question. May I ask you to repeat it ?

Q My question was: Is it your view that it was better that political and military pressure should be put on Herr von Schschnigg if by that means the

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problem was solved ?

A If by that means, a larger conflagration, that is to say, in fact, a war could be avoided, I considered that the better way.

Q Just tell me, why did you and your friends keep Schschnigg in prison for seven years?

A I don't know; at any rate, I believe at that time Schschnigg -- I don't know the details, but he must have taken some steps which were against the interests of the state, but if you say "prison", I know only from my own recollection that the Fuehrer, at many instances, had said and pointed out that Schuschnigg should be treated especially well and decently and that he was not in jail, not in prison, but in a house and that his wife was with him. I could not say more from my own experience and from my own observations of that.

Q You mean "prison". I will substitute for it "Buchenwald" and "Dachau" He was at both Buchenwald and Dachau. Do you think he was enjoying himself there?

A That Schuschnigg was in one of the concentration camps, I heard for the first time. I didn't know it before.

Q Just make a chance -- don't make a chance, but try -- just try to answer my question. Why did you and your friends keep Schuschnigg in prison for seven years -- seven years ?

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A I could not say anything to that point. I can only say no, only, that in my opinion. what I heard then, he was not in prison but he was confined in a villa and he had all the comforts which he could possibly have or which was possible under the circumstances. That is what I heard at that time. I liked that because he made a very favorable impression on me.

Q There is one thing he didn't have, witness, he didn't have the opportunity of giving his account as to what had happened at Berchtesgarden or of his side of the Anschluss to anyone for these seven years, did he? That is quite obvious. with all you say, that he was very comfortable at Buchenwald and Dachau, wherever he was, but comfortable or not, he didn't get the chance of putting his side of the happenings to the world, did he?

A That I could not judge.

Q You couldn't judge? You know perfectly well, don't you, that Herr von Schuschnigg was not allowed to publish his account of anything while he was under restraint for these seven years? Don't you know that quite well?

A That may be assumed- -

Q Now --

A -- it may have been in the interests of the state, however.

Q Well, that is your view of it. We will pass to another subject. I am going to ask you a few questions now about your share in the dealing with Czechoslavakia. Will you agree with me, that in March of 1938, the Foreign Office, that is, you // through your ambassador in Prague, took over control of the activities of the Sudeten Deutsche Party under Konrad Henlein?

A I am sorry but that isn't correct, May I explain that again?

Q Before you explain, I think you might save time if you look at the document book on page 20 in your book - - it is page 31 in the English book- and listen while I refer you to a letter from your ambassador.

A Which number, please?

Q Page 20. It is a letter from your ambassador in Prague to the Foreign Office.

SIR DAVID MAXWELL FYFFE: If I may explain to the Tribunal, it is not the defendant's document book, it is the prosecution's book. I will see that hereafter that is correct.

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Q Now, this letter from your ambassador to the Foreign office?

A Yes, I know about that letter. May I --

Q Just let me refer you to paragraph 1. I refer you to paragraph 3, so you needn't be worried that I shall miss it. Paragraph 1: "The line of German policy, as transalated by the German Legation, is exclusively decisive for the policy and tactics of the Sudeten German Party. My- -(that is, your ambassador)- - directives are to be complied with implicitly.// Paragraph 2. "Public speeches and the press will be coordinated uniformly with my approval. The editorial rights of citizens is to be improved," In paragraph 3, "Party leadership abandons the former intransigent line which, in the end, might lead to political complications and adopt the line of gradual promotion of Sudenten German interests. The objectives are to be set in every case with my participation and to be promoted by parrallel diplomatic action".

Having read that, don't you agree with me that I put to you a moment ago, that the activities of the Sudenten Deutsche Party were to take place according to the directives?

AA May I explain that now?

Q I would like the answer to that question first, and I am sure the Tribunal will let you make an explanation. It is perfectly easy to answer that question yes or no. Isn't it right that that letter shows that the Sudenten Deutsche Party was acting under your directives; isn't that right?

A No.

Q Why not?

A And that I would like to explain; just this letter testimony of the fact that the things were quite to the contrary. Between the Sudenten D Deutsche Party and many offices within the Reich, connections had been established and that was quite natural, because there was a very strong movement among the Sudenten Germans which desired a closer connection with the Reich, especially after Adolf Hitler had come to power. These tendencies started to impair the connections between Germany and Czechoslavakia and this letter bears proof of the fact that I desired and attempted to clarify these connections which existed between the Sudenten Germans and the Reich.

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Q That is not answering my question, / witness, what I put to you, and I put to you three times, I think, quite clearly. Does this letter show that that Party, the Sudenten Deutsche Party, were from that time acting under your directions? Are you still denying that?

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A Yes, I deny that emphatically. Just the opposite is the case. This letter means an attempt to avoid the difficulties of the Sudeten Germans and the difficulties which were caused with the Czechoslovak people, and it shows an attempt to bring the matter into a sensible field, which could not be done.

Q Now, if you deny what I have put to you, what is meant when your ambassador writes to the foreign office and says that the line of German policy as transmitted by the German legation is exclusively decisive for policy and tactics of the Sudeten German Party? What does that mean if it doesn't mean what you have said -- that the party was acting under your direction? What else can it mean if it doesn'tmean that?

A It means exactly what I have said, that the embassy should try to get the leadership of the Sudeten Germans to accept a sensible program, so that the illegal tendencies which were existent should not impair relations between them and the Czechoslovak government. That was the sense of the conversation with the embassy in Prague. That is very clearly seen by this letter.

Q Let us see what this sensible program which you were suggesting was. The next day, on the 17th of March, Konrad Henlein writes to you and suggests a personal talk; and if you will turn over to page 26 of the German document book--page 33 of the English--you will find thenote of the personal talk which you had at the foreign office on the 29th of March with Henlein, Karl Hermann Frank, and two other gentlemen whose names are not so well known. I only want you to look at four sentences in that, after the first one:

The Reichsminister started out by emphasizing the necessity to keep the conference which had been scheduled strictly a secret. And then you refer to the meeting that the Fuehrer had had with Konrad Henlein the afternoon before. I just want you to have that in mind.

Now, if you will look down the page, after the 1 and 2, there is a paragraph which begins "The foreign minister," and the second sentence is: "It is essential to propose a maximum program which as its final aim grants full freedom to the Sudeten Germans. It appears dangerous to be satisfied prematurely with the consent of the Czechoslovak government. This, on the one

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hand, would give the impression abroad that a solution has been found; and, on the other hand, would only partially satisfy the Sudeten Germans."

Then, if you will look one sentence on, after some uncomplimentary remarks about Benes, it says:

"The aim of the negotiations to be carried out by the Sudeten German Party with theCzechoslovak government is finally this: to avoid entry into the government" -- observe the next words -- "by the extension and gradual specification of the demand to be made." And then you make the position of the Reichcabinet clear:

"The Reichcabinet" -- the next sentence but one -- "itself must refuse to appear towards the government in Prague or towards London and Paris as the advocate" -- note the next words-- "or peacemaker of the Sudeten German demands."

The policy which I suggest to you was now to direct the activities of the Sudeten Germans. They were to avoid agreement with the Czechoslovak government, avoid participation in the Czechoslovak government, and the Reichcabinet in its turn would avoid acting as peacemaker in the matter-- in other words, witness, that you through your influence on the Sudeten Germans were taking every step and doing your utmost to see that no agreement could be come to about the difficulties or the minority problem. Isn't that right? Isn't that what you were telling them at that interview?

A No, that is not so.

Q What would you say these words meant?

A I called for Konrad Henlein at that time, and I believe that that was the only time--or maybe I have seen him once more; unfortunately, only once or twice--in order to influence him also to assure a quiet development of the Sudeten German problem. The demands of the Sudeten Germans went very far that time; they wanted to get back to the Reich. It seemed to me to present a dangerous solution which had to be caught in some form or another before it could lead to a war. Henlein came to see me then. But I want to point out that this was the only time, I believe, that I had a chance to speak to Henlein in detail about these questions. Soon afterwards the whole Sudeten German problem dropped out of my influence. What is in this document, and there is no doubt of it, is the following:

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That first I wanted to assure a more quiet carrying out of the problem, so that diplomatically we could support it also with justification; secondly, that we should avoid that suddenly by acts of terror or other wild incidents a situation could arise which would lead to a crisis between Germany and Czechoslovakia. That was at that time the reason why I called for Henlein.

Now, as to the various sentences which the Prosecutor has read, it is clear the Sudeten German Party at that time had very far-reaching demands. They would have liked to see that Adolf Hitler should send an ultimatum to Prague saying "You have to do that", and that is all. We did not want it; that was a matter of course. We wanted a quiet, peaceful solution of things. Therefore, I spoke to Henlien at that time to find a way in which the Sudeten German Party should proceed in order to get their demands fulfilled in the end. These demands which I had in mind were demands of a far-reaching cultural autonomy.

Q. If you were thinking of cultural autonomy, why were you telling these gentlemen not to come to an agreement with the Prague government?

A. I could not specify that now. That may have come from a tactical consideration. I assume that Konrad Henlein may have made a suggestion at that time and that I just agreed; but in detail I did not know the problems. I believe that it was so that Henlein himself developed his program. That is not said here in detail. I may have agreed to it more or less. I believe that more for tactical reasons it seemed advisable for Henlein not to enter into the government and to assume any responsibilities, butfirst to try in a different direction.

Q. That was the 29th of March, and you have told the Tribunal a moment ago about your anxiety for peace. You very soon knew that there wasn't going to be any question of relying on peaceful measures, didn't you? Can you remember? Just try and apply yourself to it, because you have obviously been applying your mind to this. Can you remember when Hitler disclosed to you that he was making the military preparations for the occupying of Czechoslovakia that autumn?

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A Adolf Hitler did not speak very much to me about military matters. I do not remember anything like tha , but of course I know that the Fuehrer at a certain time was determined to solve this problem. According to the experiences which Germany had made in past years, it was a matter of course for him that in one form or other it might be necessary to take military measures in order to put more pressure on his demand.

Q Let me help you about that. Turn on to page 31 of your document book. It is page 37 of the English document book.

A 31?

Q 31 of your document book, yes. It is a quotation from Hitler's speech in January, 1939, but it happens to make clear this point. You see he says--have you got it, Witness?

A Yes, I have it.

Q "On the basis of this unbearable provocation, which was still further emphasized by truly infamous persectuion and terrorizing of our Germans there, I have now decided to solve the Sudeten German question in a final and radical manner.

"On the 28th of May I gave, one, the order for the preparation of military steps against this State"--that is Czechoslovakia--"to be concluded by the 2nd of October. I ordered the forceful and speedy completion of our defensive front in the west."

I want to remind you of that, because there was a meeting of the 28th of May, and that is Hitler's own account of it. Put another way, he said "It is my absolute will that Czechoslovakia should disappear from the map." And then he made clear the other thing about the defensive front in the west.

Now, do you remember that meeting, the 28th of May?

A I have here, I believe, seen the document about it. I do not recall that meeting.

Q Well, if --I think Captain Fritz Wiedemann was still adjutant of the Fuehrer at that time; it was before he went abroad;--he says you were there, would you deny it?

A I have seen that, yes. I have seen that, but I believe that is an error by Wiedemann.

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Q But you think you weren't there?

A I should like to assume I was not there. At least I do not remember that meeting. I could not say it for sure. Generally I was not present at military conferences, but in this case I could not say it for sure. But I knew, generally speaking, that the Fuehrer in the course of the year 1938 got more and more determined, as he said, to assurethe rights of the Sudeten Germans, and for that he also took military preparations. I remember that, but in what form and to what extent I could not say.

Q Just to put your point of view fairly--I don't want to put anything more into it--you knew that military preparations were being made, but you didn't know the details of what we know now as Fall Gruen.

A No, details I did not know about that. I had never heard them, but I know that if, first of all, during the last weeks, months, of the crisis---

DR. HORN: Mr. President, I protest against this question. I believe in order to save time that I may point out that by the agreement of Munich the entire Sudeten German policy has been by England, France, Italy and Germany sanctioned. Therefore, I don't see any room for questioning in the sense of violation of international law.

THE PRESIDENT: The Tribunal thinks the question isperfectly proper.

BY SIR DAVID MAXWELL FYFE:

Q Now, at the time you knew enough to discuss the possible course of the possible war with the foreign personalities. Would you look on to page 34--that is page 40 of the English book.

These are the notes of a discussion with the Italian Ambassador. I don't know which of your officials it took place with, but I want you to look at where it says in a handwritten note "only for the Reichsminister."

"Atolico further remarked that we had indeed revealed to the Italians our intentions against the Czechs unmistakably. Also, as to the date he had information so far that he might go on leave, maybe for two months, but certainly not later than that,"

If you look at the date you will see it is the 18th of July, and two months from the 18th of July would be the 18th of September. Then if you will look, a month later there is a note, I think signed by yourself, on the

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27th of August: "atolico paid me a visit. He had received another written instruction from Mussolini, asking that Germany communicate in time the probable date of action against Czechoslovakia. Mussolini asked for such notification, as Atolico assured me, in order to be able to take in due time the necessary measures on the French Frontier.

"Note: I replied to Ambassador Atolico just as on his former demarche, that I could not impart any date to him; that, however, in any case Mussolini would be the first one to be informed of any decision."

So that it is quite clear, isn't it, that you knew that the German preparations for an attack on Czechoslovakia were under way but the date had not been fixed beyond the general directive of Hitler, that it was to be ready by the beginning of October. That was the position in July and August, wasn't it?

A In August, the 27th of August, of course there was a definite crisis already between Germany and Czechoslovakia about that problem; and it is quite clear that during that time one had to think as to how this would finally come out. Therefore, according to this document, I have spoken with the Italian Ambassador that in case that this crisis would develop into a military action, certainly before that Mussolini would be notified.

Q And Mussolini wouldbe ready to make a demonstration on the French frontier in order to help forward your military plans; is that right?

A That is in this document, but I don't know anything about it. Apparently Atolico said that; if it is included here he must have said it.

Q Now, just turn over to about the same time, pages 36 to 38, pages 41 to 43 of the English book. I don't want to take up time in reading it all, but that is the account of the meeting which you had with the Hungarian ministers Enredi and Kanja. And I should be very glad if, in the interest of time, you would try and answer the general question.

Weren't you trying in your discussions with Enredi and Kanja to get the Hungarians to be prepared to attack Czechoslovakia should war eventuate?

A I do not know the content of this document very well. May I read it first, please?

Q I will just read you --

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A (Interposing) But from my recollection I may answer--I don't know what in detail is included in the document, but my recollection is that at that time there was a crisis. It is quite natural that if a possibility of an armed conflict about the Sudeten German problem was in the air or within the reach of possibility that Germany then, at any rate at first, had to contact the neighboring states. That is a matter of fact.

. But you went a little beyond contacting them, didn't you? The document says at the end of the sixth paragraph "Von Ribbentrop repeated that whoever desires revision must exploit the good opportunity and participate."

That is a bit beyond contacting people. What you are saying to the Hungarians is "If you want the revision of your boundaries, you have got to come into the war with us." It is quite clear, isn't it, Witness, that is what you were saying, that is what you were trying to do?

A That is just in line of what I said. That is to say, I don't know if that was exactly the expression, but, at any rate, it is clear that at that time apparently--I do remember that I have spoken to these gentlemen--that the possibility of a conflict existed, and that in such a case of course it would be good if we would contact each other about our interests.

I may point out that it was Hungary who during the time and years before considered it one of the hardest conditions of the Peace Treaty that all these territories and areas in the north had been separated from Hungary, and of course, they were very much interested.

. You were very much interested in offering them revision. Just look at the last two paragraphs. It is headed "The 29th." It should be page 38 of your document book. It begins--the very end of this statement: "Concerning Hungary's military preparedness in case of a German-Czech conflict, von Kanja mentioned several days ago that his country would need a period of one or two years in order to develop adequately the armed strength of Hungary. During today's conversation, von Kanja corrected this remark and said that Hungary's military situation was much better; his country would be ready, as far as armaments were concerned, to take part in the conflict by October 1 of this year."

You see that? What I am putting to you, Witness, is this: That your

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position was perfectly clear. First of all, you get the Sudeten Germans under your control Then you learned from Hitler that there were military preparations. Then you get the Italians in line. Then you get the Hungarians in line. You are getting everyone ready for aggression against Czechoslovakia, That is what I am utting to you. I want you to be quite clear about it, to be under no misapprehension. Now, look, what--

A (Interposing) May I answer to that?

Q Yes, certainly, if you like.

A I said once before that the Sudeten German Party leadership was not under my control. Otherwise I am convinced that it is the primitive, first law and right of the Sudeten Germans, according to the right of independence which had been proclaimed in 1919, to decide themselves where they wanted to belong.

When Adolf Hitler came this tendency toward the Reich became very strong. Adolf Hitler was determined to solve this problem, either by diplomatic means or by other means if it had to be done. That was clear, and it became clearer to me.

I personally have done everything in order to try to solve the problem along diplomatic lines. On the other hand, however, of course in order to lead to a situation such as Munich, I have done everything in order to assemble friends around us and to make our position as strong as possible.

H0098 - 0038

Q. You knew perfectly well, did you not, that the Fall Gruen and that Hitler's military plans envisaged the conquest of the whole of Czechoslovakia? You knew that, did n't you?

A. No, that I did not know, and as far as the Sudetan-German problem is concerned, the British Government has agreed in Munich to solve the problem in a way which I have always thought to be the right one.

Q. Witness, I'm not going to argue politics with you on any point. I only remind you of this: That the Fall Gruen and Hitler's plans from this matter had only been known to his Majesty's Government since the end of the war, when it came into our possession as a captured document. What I asked you was-- you say that as the Foreign Minister of the Reich you didn't know that these military plans, the conquest of the whole of Czechoslovakia, was envisaged. You say that? You want the Tribunal to believe that?

A. I repeat again that as far as the Fall Gruen was concerned, I have heard about it the first time here through the documents. I did not know that term at all before. But, in the course of later developments, for instance, in establishing the protectorate of Bohemia and Moravia -- I was thinking of a solution of several regions -- that became clear to me, of course.

Q. Just a moment. We will get to that in a moment. I just want you to look at the final act of preparation which you were doing and I am suggesting for this clear aggression, if you will look at page 45 in the book in front of you, you will see a note from the Foreign Office to the Embassy in Prague.

"Please inform Deputy Kundt at Conrad Henlein's request to get into touch with the Slovaks at once and induce them to start the demands for an autonomy tomorrow."

That was your office's further act, wasn't it, in order to make things difficult for the Government in Prague? You were getting your friends to induce -- to use your own word -- the Slovaks to start an advance for autonomy, is that right? Is that what your office was doing?

A. Beyond doubt this is a telegram which came from the Foreign Office. According to the contents, apparently, Henlein approached us to send a telegram for him, and apparently Henlein was of the opinion at that time that the demands

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for autonomy should be sent to the Prague Government by the Slovaks. How it came to that, I could not say in detail today, but I would like to point out again that Conrad Henlein's -- and I say unfortunately, and I said it then -- activity was not within my jurisdiction or control. I saw Henlein only once or twice during that entire time.

Q. I am not going to take you through all the details. You understand what I'm suggesting to you, that your office was now taking one of its last steps, because this was in the middle of the crisis, on the 19th of September, trying to weaken the Czech Government by inducing demands of autonomy from the Slovaks. You said that you were only passing on Henlein's wishes. If you like to leave it at that, I shall not trouble you further. Besides, you suggested-- I come on to what took place in the spring and ask you one or two questions about that. In the spring Hitler was out and you acquiesced in his wishes without -- I was going to say swallowing, but I wan to choose my language carefully -- to obtain the adherence of Bohenia and Moravia to the Reich and to make Slovakia separate from Bohemia and Moravia.. Now, just look on to page 65 of the book in front of you. That's a telegram in secret code from the Foreign Office, from yourself, in fact, to the Embassy in Prague.

"With reference to telephone instructions given by you today, in case you should get any written communications from President Hacha, please do not make any written or verbal comments or take any other action but pass them on here by secret telegrams. Moreover, I must ask you and the other members of the Embassy to make a point of not being available if the Czech Government wants to communicate with you during the next few days."

Why were you so anxious that your ambassador shouldn't carry out these ordinary functions and form a channel of communication with the Czech Government

A. That I remember very well. That had the following reasons: The Foreign Minister of Czechoslovakia, Chvalkovski, on one of these days, it may have been the same day, approached the ambassador in Prague, saying that President Hacha wanted to speak to the Fuehrer. I had reported that to the Fuehrer, and the Fuehrer agreed to receive the Czechoslovak president of state, and the Fuehrer said at the same time that he wanted to conduct these

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negotiations himself and that he did not desire that anybody else, even the embassy, should interfere in any way. That, according to my recollection, was the reason for that telegram, so that nobody should undertake anything in Prague, and whatever would be done should be done by the Fuehrer personally.

May I point out also that at that time there was quite a crisis between Prague and ourselves, and from this entire situation resulted the desire of the President Hacha to see the Fuehrer.

Q. Well, now, I don't like to remind you what you and the Fuehrer were doing on that day. You will find that if you will look at page 66, which is 71 of the English book. You were having a conference, you and the Fuehrer, with Meissner and the defendant Keitel, and Dietrich and Keppler, and you were having the conference with the Slovaks, with M. Tiso. Do you remember that conference?

A. Yes, I remember that conference very well.

Q. Well, then, I will ask you a general question and perhaps without putting the details to you. What Hitler and you were doing at that conference was saying this to the Slovaks:

"If you don't declare your independence of Prague, we shall leave you to the tender mercies of Hungary."

Isn't that in a sense a fair summary of what Hitler and you were saying at that conference?

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A That is correct to a certain degree. I would like to give a further explanation though. The situation was such that one has to understand it from a political point of view. The Hungarians were highly disatisfied and they wanted to regain the territories which they had lost by the Treaty of Trianon. They were in the Slovak part of Czechoslovakia. There were great difficulties between Pressburg (Bratislava) and Budapest, of course. We always had to expect that here an armed conflict would break out and at least half a dozen times it occurred that from the sight of the Hungarian Government we were made to understand that this could not go on like that. They had to have their revision and it was so that very strong tendencies for independance existed for quite some time among the Slovaks. Mainly, they approached us at first through Tuka and later through Tiso. In this conference, which is here described, it was so that after weeks of knowledge by the Fuehrer of the tendencies of the Slovaks to become autonomies, he finally received Tiso, the later president of the Slovak state, and told him then that he, of course, -- I believe he said during this discussion that he was not interested personally but, if anything should happen there, then the Slovaks should declare their autonomy as quickly as possible. There is no doubt that at the time we expected an aggression by the side of the Hungarians, but it is correct.

Q How very anxious the Slovaks seemed to be for independence and what action Hitler and yourself were taking to secure it--if you try and find it, it will probably be at page 67;it's at the end of a paragraph beginning:

"Now he has permitted Minister Tiso to come here"

And just below the middle of that paragraph Hitler is reported as saying that he would not tolerate that interior instability and he had for that reason permitted Tiso to come in order to hear his decision. It was not a question of days but of hours. He had stated at that time that Slovakia wished to make herself independent and that he would support this endeavour and even guarantee it; he would stand by his words so long as Slovakia would make it clear that she wished for independence. If she hesitated or did not wish to desolve the connection with Prague, he would leave the destiny of Slovakia to the mercy of the events for which he was no longer responsible.

Then he asks you if you had anything to say in the next paragraph, and

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you are reported as saying:

"The Reich Foreign Minister also emphasized for his part the conception that in this case a decision was a question of hours and not of days. He assured Hitler a message he received which reported Hungarian troop movements on the Slovak frontier. The Fuehrer read this report and mentioned it to Tiso."

Are you denying,witness, that Hitler and yourself were putting the strongest possible presure you could on the Slovaks to dissolve connections with Prague and so leave the Czechs standing alone to meet your pressure on Hacha which was coming in a couple of days?

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A No, that is not correct. Strong pressure was not used to undertake that from the side of the Czechs. It is possible that at the time Tiso hesitated because at any rate it was a very decisive step to be taken. In regard to this fact the Fuehrer had the very clear desire to solve the question of Bohemia-Morvavia in some way.

Q One point. This is my last question before I come to the interview with President Hacha. Don't you remember that Herr Burckel and other Austrian associates, together with the Defendant Sess-Inquart and a number of German officers, at about 10:00 in the evening of Saturday, the 11th of March, went into a cabinet meeting at Bratislava and told the Soi Disants Government that they should proclaim the independance of Slovakia? Don't you know that? It was reported by our Counsel.

A I don't recall it in detail, but I believe that something like it took place but I don't know exactly what it was. I believe that that was directed by the Fuehrer.

Q I will deal very shortly. . . .

THE PRESIDENT: Sir David, it is a quarter to one now. We had better adjourn until 2:00.

(The Tribunal adjourned until 1400 hours.)

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I

Official transcript of the International Military Tribunal in the matter of the United States of America, the French Republic, the United Kingdom of Great Britain and Northern Ireland, and the Union of Soviet Socialist Republics against Hermann Wilhelm Goering et al, Defendants, sitting at Nurnberg, Germany on 1 April, 1946, 1400-1700, Lord Justice Lawrence presiding:

JOACHIN VON RIBBENTROP -- Resumed

CROSS-EXAMINATION -- Continued

BY SIR DAVID MAXWELL FYFE:

Q. Witness, you were present at the interview between President Hacha and Hitler on the 15th of March, 1939, were you not?

A. Yes, I was present.

Q. Do you remember Hitler saying at that interview that he had given the order for German troops to march into Czechoslovakia, and that at 6 o'clock in the morning the German Army would invade Czechoslovakia from all sides?

A. I can't recall the exact words, but I know that Hitler told Hacha that he would occupy the countries of Bohemia, Slovakia, and Moravia.

Q. Do you remember him saying what I put to you, that he had given the order for German troops to march into Czechoslovakia?

A. Yes, that is just it.

Q. Do you remember the defendant Goering -- as he told the Tribunal -- telling President Hacha that he would order the German Air Force to bomb Prague

A. I can't give any detailed statement on that subject.

Q. I am not asking you for a detailed statement; I am asking you if you remember what I should suppose was a rather remarkable statement, that the defendant Goering said to President Hacha that he would order the German Air Force to bomb Prague if Czech resistance was not called off. Do you remember that?

A. No, I don't know that; I wasn't present.

Q. You were ther during the whole interview, were you not?

A. No, I was not. If the British Prosecutor would allow me to do so, I would like to add my explanation as to exactly how things happened.

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Q. I want you to answer my question at the moment. You say you don't remember that. At any rate, if the defendant Goering said that he said it, would you accept that it happened?

A. If Goering says so, then it will, of course, be true. I have only to relate that I was not present during that conference between President Hacha and the then Reichsmarshal Goering.

Q. Do you remember Hitler saying that within two days the Czech Army would not exist any jore?

A. I don't recall that in detail, no; it was a very long conference.

Q Do you remember Hitler saying that at 6 o'clock the troops would march in? He was almost ashamed to say that there was one German division to each Czech battalion.

A It is possible that something like that was said. However, I can't remember the details.

Q If these things were said, will you agree with me that the most intolerable pressure was put on President Hacha?

A That question didn't come through.

Q If these things were said, will you agree with me that the most intolerable pressure was put upon President Hacha?

A Undoubtedly, Hitler's language was very clear. However, to that I have to add that President Hacha, on his part, did not come to Berlin for the purpose of finding a solution, together with Hitler. He was surprised that the march of troops into Czechoslovakia was to take place. That I know, and I remember it exactly. He eventually agreed, and contacted his government's Chief of Staff so that there would not be a hostile reception for the German troops.

The agreement which I had drafted was then discussed with Hitler, and it was concluded with Hitler and the Czech Foreign Minister.

Q Will you agree with me that that agreement was obtained through a threat of aggressive action by the German Army and Air Force?

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A It is certain that the Fuehrer told President Hacha that the German Army would march in, and that naturally, under that impression, that document was signed. That is correct?

Q Don't you think you could answer one of my questions directly?

I will ask it again. Will you agree with me that that document was obtained by the most intolerable pressure and threat of aggression ? That is a simple question. Do you agree?

A In that way, no.

Q What further pressure could you put on the head of a country except to threaten him that your army would march in, in overwhelming strength, and your air force would bomb is capital?

A War, for instance.

Q What is that but war? Do you not consider it war that the Army would march in with a proportion of a division over a battalion, and that the air force would bomb Prague ?

A President Hacha had told the Fuehrer that he would place the fate of his country into the Fuehrer's hands, and the Fuehrer had told Hacha --

Q I want you to answer my question. My question is a perfectly simple one, and I want you answer to it.

You have told us that that agreement was obtained after these threats were made.

A No, I didn'8 say that.

Q Yes, that is what you said a moment ago.

A No.

Q I put to you that that agreement was obtained by threat of war. Is that not so ?

A I believe that that threat is considerably less than the threat under which Germany stood through the Versailles Treaty and its sanctions.

Q Well, leaving whatever it is comparatively, will you now answer my question ? Do you agree that that agreement was obtained by threat of war ?

A It took place under the pressure of the threat of the march into Prague, Czechoslovakia; there is no doubt about that. However, decisive to the whole matter was that the Fuehrer explained to President Hacha the reasons

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why he would have to do this, and that President Hacha eventually, at the end agreed absolutely, after he had consulted his government and his general staff and heard their opinion. On the other hand -- and that is absolutely true -- the Fuehrer ahd decided to solve this question under any circumstances. The reason for that was that it was the Fuehrer's conception that in the remainder of Czechoslovakia there was a conspiracy against the German Reich. Field Marshal Goering has already stated that Russian commissions were present at Czech airdromes. Consequently, the Fuehrer did that because he believed that it was necessary for the protection of the German Reich.

May I use the comparison that President Roosevelt declared an interest in the Western Hemisphere, and England stated that it was interested in the entire globe ? And I think the fact that the Fuehrer showed interest in the remainder of Czechoslovakia in nothing unusual or undue for a large power, whatever you think of the method. But one thing is certain, and that is that these countries were occupied without a single drop of blood being shed.

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Q Because they were occupied without a single drop of blood being shed because you had threatened to march in overwhelming strength and to bomb Prague if they didn't agree, isn't that so ?

A No, not because we had complete superiority but because this had been agreed upon before, namely, that the German armed forces could march in without any opposition.

Q I put it to you again, that the agreement was obtained, however by your threatening to march in and threatenting to bomb Prague, was it not ?

A I have already once replied to you that it isn't like that, but that the Fuehrer talked to President Hacha and told him that he would march in and that a discussion between President Hacha and Goering -- I do not know, but after that President Hacha signed the agreement, after he consulted with his Government and his General Staff in Prague by telephone. No doubt, the person of the Fuehrer in the case of that argument mattered a lot, and the announced march of the German troops was the cause for President Hacha's signing the agreement.

Q Don't you remember -- would you mind standing, General, for a secon

(A Czechoslovak army officer stood up in the court room.)

Don't you remember General Etscher asking you some questions once, this General from Czechoslovakia ?

A Yes, certainly.

Q Did you say to him that you thought that this action on the 15th of March was contrary to the declaration of Hitler given to Chamberlain but in fact that Hitler saw in the occupation a vital necessity for Germany ?

A Yes, that is correct. I was wrong in the first point. I will admit that openly, and I remembered it afterward. Because there is nothing likethat contained in the Munich agreement between Hitler and Chamberlain. And in the second point I think I stated that Hitler believed he was acting in the best interests of his country.

Q Now, I just want you to tell us one or two general things about you views with regard to Great Britain. Is it correct that when you went to Londo as Ambassador of the Reich you thought there was very little chance of an agreement, in fact that it was a hundred-to-one chance of getting an understanding with Great Britain ?

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standing with Great Britain ?

A When I asked the Fuehrer to send to London personallity --

Q Here is a simple question I am asking you : Is it right that when you went to London as Ambassador you thought there was very little chance of an understanding with England,?in fact, that the chance was a hundred to one ?

A Yes, the chance wasn't large.

Q These, as you know, are your own words --

A But I have to add something to that.

Q These are your own words, aren't they, that the chance was a hundred to one ? Do you remember saying that?

A A hundred to one ? I don't remember that but I did tell Hitler that the chance was very small. But I want to add something. I told the Fuehrer that I would do everything, nevertheless, to attempt to achieve a final Anglo German understanding.

Q Now, when you left England did you believe that war was inevitable? When you left England -- when you ceased being Ambassador -- did you believe that war was inevitable?

A No, I wasn't of that opinion, that it was inevitable; but that a possibility of war existed, considering the developments which were taking place in England, that that was possible -- of that I was convinced.

Q I want you to be careful about this; Did you say that you didn't think war was unavoidable when you left England ?

A I can neither say it was inevitable nor that it could be avoided but I was aware of the fact that that considering developments towards German policies in England a conflagration was within the possibilities that existed.

Q Now, look at page 211-E of the Document Book, English Book 170 --

A Did you say 211 ?

Q Have you got that ?

A Yes.

Q Now, will you look at the second paragraph ? It reads like this :

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He, the Reich Foreign Minister, had been more than skeptical already at his arrival in London and had considered the chances for an understanding as a hundred to one, that war was in sight with England and also won the upper hand when he, the Reich Foreign Minister, left England, and said war was unavoidable

Is that what you said to Ambassador Oschima ?

A I don't know now whether I said it just like that, but in any case that was preliminary diplomatic language and on the strength of the situation we considered it useful to tell the Japanese Ambassador that. What is interesting is that I remember when I left England I did not consider the war unavoidable and certain. Whether later in the course of years I said this or that, well, that isn't significant for what I thought at that time, when I said that, I don't think that is the least bit of evidence for that. Perhaps I tried to get him into the war against England and probably used strong language.

Q You probably told him what was untrue ?

A I don't know, and I don't know whether that is beint put down accurately, in detail. That is a long report. I don't know where it comes from.

Q It is your own record of the meeting, from captured German documents

A That is perfectly possible, but many things are said for diplomatic purposes and not every word is weighed carefully. At any rate, the truth is when I left London there was no certainty that the war was inevitable, but there is no doubt that I was skeptical when leaving London and that I didn't know what things would drift into, and that particularly because of the strong pro-war party in England.

BY THE PRESIDENT:

Q Defendant, will you speak a little bit more slowly ?

A Yes, sir.

BY SIR DAVID MAXWELL-FYFE:

Q Now, when you left England, was it not your view that the German policy should be pretended friendliness toward England and actual formulation of a coalition against her?

A In that sense, no; that is not right. It was clear to me that at the time when I became Foreign Minister the achievement of the German wishes in Europe was difficult and that it was principally England that was in the way

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of those wishes. For years, by order of the Fuehrer, I tried by means of a friendly understanding to achieve these points.-

Q I want you now to answer my question: Did you advise the Fuehrer that that the proper policy was pretended friendliness with England and in actuality the formulation of a coalition against her ? Did you or did you not ?

A No, that is not the right way of putting it.

Q Just as you have said so, just look at the document, TC-75, Exhibit GB-28, and at your conclusions that are to be drawn. (Handing document to witness.) You will see it at the end under No. 5. "Therefore, conclusions to be drawn by us." It is about the end of the third page. "Therefore, conclusions to be drawn by us, outwardly further understanding with England while protecting the interests of our friends; formation under great secrecy but with wholehearted tenecity of a coalition against England; that is, in practice a tightening of our friendship with Italy and Japan, also the winning over of all nations whose interests conform with ours, directly or indirectly; close and confidential cooperation of the diplomats of the three greatest powers towards this purpose."

And the last sentence: "Every day on which -- no matter what tectical interludes of rapprochement towards us are carried out -- our political decision are divided fundamentally by the thoughts of England as our most dangerous adversary would be a gain for our enemies."

Why did you tell the Tribunal a minute or two ago that you hadn't advised the Fuehrer that you hadn't stressed outward friendly relations while in fact contemplating a coalition against her?

A First of all, may I have permission to look at that document?

Q It is signed by yourself on the 2nd of January 1939. It is your own report to the Fuehrer.

A Yes. Actually, that is quite right. And this is the decisive statement. Only in that way can we meet England's flea for an agreement or a conflict. The situation was clearly at that time that England would resist those German wishes for a decision which the Fuehrer had described as vital and that it merely appeared possible through diplomatic consultations to get England

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to solve their problem through diplomatic channels and not by war. That was no doubt the decision at the time.

Q Is that why you told the Tribunal five minutes ago that you had not advised Hitler in the sense I put it to you ?

A Which advice do you mean?

Q Outwardly an understanding with England and formation under great secrecy of a coalition against her. I put that to you twice and you denied it. I want to know why you did deny it.

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A I said to that that it is not right in that sense, but I said quite clearly that England was res ting the German requests and that outwardly, if Germany wanted to achieve these aspirations, she had nothing left to her but to find friends and with the help of those friends bring England to the conference table so that England would agreeto these requests through diplomatic channels. That was my task at that time.

Q Now, I want you to direct your attention to the relations with Poland. I will give you the opportunity of answering a question generally, and I hope in that way we may save time.

Will you agree that up to the Munich Agreement, the speeches of all German statesmen were full of the most profound affection and respect for Poland? Do you agree with that?

A Yes.

Q Was the purpose of that what is shown in the Foreign Office memorandum of 26 August 1938? I will give you the page number. Page 107 of your document book. I wanted you to look at it. I think it is the fourth paragraph, beginning, "This method of approach towards Czechoslovakia--", and you may take it from me that the method of ap roach was putting forward the idea that you and Hitler wanted the return of all Germans to the Reich. I put it quite fairly and objectively. That is what precedes. I want you to look at that paragraph.

A Which paragraph do you mean? I did not hear.

Q The fourth, "This method of approach towards Czechoslovakia" it begins. The fourth on my copy.

A I have not found it yet. Paragraph Five. Yes, I have it.

Q "This method of approach toward Czechoslovakia is to be recommended because of our relationship with Poland. It is unavoidable that the German departure from the problems of boundaries in the southeast and their transfer to the east and northeast must make the Poles sit up. The fact that after the liquidation of the Czechoslovakian question, it will be generally assumed that Poland will be the next in turn, but the later this assumption sinks in in international politics as a firm picture, the better."

Does that correctly set out the desires of German foreign policy at that time?

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A Indubitably no. First of all, I do not know what this document is. It appears that it came to me through the Secretary of State and from some official in the Foreign Office. He wrote it. It is some theoretical document which were sometimes proposed. I do not recollect having heard it at any time. Whether it reached me, I can not tell you at this moment, but it is possible that such thoughts occurred or were predominant with some of our officials.

Q I see. Now, if you do not agree, would you look at page 110, on which you will find extracts from Hitler's Reichstag Speech on 26 September 1938. I am sorry. I said Reichstag; I meant Sportpalast.

A Sportpalast, yes.

Q At the end of this extract, the Fuehrer is quoted as saying with regard to Poland, after a tribute to Marshal Pilsutzki,

"We are all convinced that this agreement will bring lasting pacification. We realize that here are two peoples which must live together and neither of which can do away with the other. A people of 33 million will always strive for an outlet to the sea. A way of understanding, then, had to be found. It has been found, and it will be continually extended further. Certainly, things were difficult for this area. The nationalities and small groups frequently quarreled among themselves, but the main fact is that the two governments and all reasonable and clear-sighted persons among the two peoples and in the two countries possess the firm will and determination to improve their relations. This is a real work of peace, more valuable than all of the chattering at the League of Nations Palace in Geneva."

Do you think that is an honest statement of opinion?

A Yes, I believe that that was definitely the Fuehrer's view at the time.

Q And so at that time all the questions of the treatment of minorities were a very unimportant matter; is that so?

A No, they were not unimportant. A very difficult point had been reached between Poland and ourselves, and such statements were always directed at bridging the gap. I know the conditions in Poland particularly well because, for personal reasons, I followed that situation for many years. Since

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I took over the Foreign Ministry, the greatest difficulties continuously arose, which were always most generously solved by ourselves.

Q At any rate, you have agreed with me that the speeches at that time--and you say quite honestly--were full of praise and affection for the Poles; is that right?

A Yes, we were hoping that by that we would bring the question of German minorities to a satisfactory conclusion. We tried that since 1934.

Q Well, now, immediately after Munich, you first raised the question of Danzig with M. Lipski on, I think, in October, around 21 October.

A 28 October.

Q 28 October. And the Poles had replied on the 31st. It may have reached you a day later through M. Lipski, suggesting the making of a bilateral agreement between Germany and Poland, but saying that the return of Danzig to the Reich would lead to a conflict.

I put it quite generally. I just wanted to remind you of the tenor of the reply. Do you remember?

A No, as far as I remember, it was not like that. The Fuehrer had ordered me on -- I think 28 October, I do not know for sure -- to call Ambassador Lipski to Berchtesgaden. He had given me instructions because the Fuehrer was particularly anxious, probably after that speech in the Sportpalast, to clarify the relations with his neighbors. He wanted that particularly with respect to Poland. He instructed me, therefore, to discuss with Ambassador Lipski the question of Danzig and the question of a connection to East Prussia for the Reich.

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I asked Lipski to come and see me, and in a very friendly atmosphere I stated these wishes. Ambassador Lipski remained reserved, and he said that Danzig was a complicated problem but that he would discuss the question with his government. I asked him would he please do so soon and inform me of the outcome. That was the beginning of the negotiations with Poland.

Q Well, now, if you will turn-- I do not want to stop you, but I want to get on quickley over this matter. If you will turn to page 114, you will find the minutes of M. Becks' conversation with Hitler on 5 January. I just want to draw your attention to the last paragraph, where, after M.Beck had said that the Danzig question was a very difficult problem, "In answer to this, the Chancellor stated that to solve this problem it would be necessary to try to find something quite new, some new formula, to which he used the term 'Koeroerschaft', which on the one hand would safeguard the interest of the GermansPopulation and on the other hand the Polish interest. In addition, the Chancellor declared that the Minister could be quite at ease; there would be no fait accompli in Danzig and nothing would be done to render difficult the situation of the Polish government."

Do you see that, before I ask you the question?

A Tes, I have read that.

Q Just look at the summary of your own conversation with M.Beck on the next day. It is page 115, at the beginning of the paragraph, the second paragraph. You will see that after M.Beck had mentioned the Danzig question. you said

"In answer,M.von Ribbentrop once more emphasized that Germany was not seeking any violent solution."

That was almost word for word what Hitler had said the day before, do you see that?

A Yes.

Q Now, page 113. These are the defendant Keitel's orders to-- or rather, to put it exactly, the defendant Keitel's transmission of the Fuehrers order with regard to Danzig. It is dated 24 November. That was some six weeks before, and it is supplementary to an order of 21 October, and you see what it says:

"Apart from the three contingencies mentioned in the instructions of

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21 October, preparations are also to be made to enable the Free State of Danzig to be occupied by German troops by surprise.

"Occupation of Danzig: The preparations will be made on the following basis. The condition is a quasi-revolutionary occupation of Danzig, exploiting a politically favorable situation, not a war against Poland."

Did you know of these instructions?

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A. No, I don't know that. This is the first time that I am seeing that order or whatever it might be. May I add something?

Q. Not for the moment. Hitler must have known of the order, mustn't he? It is an order of the Fuehrer?

A. Yes, of course, and I assume -- that is what I wanted to add, that the British prosecutor will appreciate that politics and minutes of people are two completely different things. There is no doubt that the Fuehrer was familiar with the difficulties of this thing, and that Danzig and the Corridor must certainly have resulted in orders of some sort. And I imagine that it is some such order. This is the first I am seeing it, anyway.

Q. Supposing that you had known of the orders, Witness, would you still have said on the 5th of January that Germany was not seeking a fait accompli or a violent solution? If you had seen this order and regarded it as what I considered it to be, namely, a certain General Staff instruction, then --

A. I think it is part of the General Staff's duty to take into consideration all possibilities and prepare for them principally. That has nothing to do with politics.

Q. Nothing to do with politics to have a cut-and-dried plan how the free state of Danzig is to be occupied by German troops by surprise when you are telling the Poles that you don't have a fait accompli? That is your idea of how matters should be carried on? If it is I will leave it.

A. No. I have to add I know that for a long time the Fuehrer was always anxious, particularly during 1939, and worried that a Polish coup against Danzig would arise. I am not a military man, but it appeared to be natural to me that all such possibilities should be prepared for. But of course I can't judge any details of the orders.

Q. Now, when did you learn that Hitler was determined to attack Poland?

A., That Hitler was expecting the necessity of military action to become necessary, -- that I think I heard for the first time during August 1939. That, of course, even before that he made certain military preparations for any eventuality becomes clear from this order. But about such orders I did not on

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principle hear anything, and I do not now recollect anything other than what I received through military information.

Q. Do you tell the Tribunal that you didn't know in May that Hitler's real view was that Danzig is not the subject of the dispute at all, byt that his real object was the acquisition of lebensaum in the East?

A. No, I didn't know it in that sense. The Fuehrer often talked about lebensaum, that is right, but I did not know that he had the intention to attack Poland.

Q. Well now, just look at page 117 -- or it may be 118 or your document -- on page 117 you will find the minutes of the conference on the 23rd day of May 1939 at the New Reich Chahcellory.

A. Did you say 117?

Q. 117. I want you to look at -- it may be on page 118, and it begins: "Danzig is not the subject of the dispute at all, it is a question of expanding our living space in the East and of securing our food supplies and of the settlement of the Baltic problem. Food supplies can only be expected from thinly populated areas over and above the natural fertility following German exploitation, which will enormously increase the surplus. There is no other possibility for Europe."

Are you telling the Tribunal that Hitler never explained that view to you?

A. It may be. But first of all I want to say that I wasn't present during this conference. That was a military conference, and the Fuehrer used to hold these military conferences quite separately from the political field. Along these lines the Fuehrer did mention that we needed lebensraum, living space, but any intention of attacking Poland I never heard of at that time, that is, May 1939. He never told me about that. And I think that this was intentional. He always wanted a diplomat to work toward a diplomatic solution,

Q. You mean to say that Hitler was deliberately keeping you in the dark as to hei real aims that Danzig was not the subject of dispute and what he really wanted was lebensraum; is that your story?

A. Yes, I assume that he did that occasionally.

Q. Well now, just look at the very short paragraph a little further on

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where he says: "There is no question of sparing Poland, and we are left with no alternative but to attack at the first suitable opportunity. We can not expect a repetition of the Czech affair. There will be war. Our task is to isolate Poland."

Do you tell the Tribunal that he never said that to his foreign Minister?

A. I didn't quite understand that question.

Q. It is a perfectly simple one. Do you tell the Tribunal that Hitler never mentioned what I have just read from his speech, that there is to be no question of sparing Poland that you had to attack Poland at the first opportunity, and your task was to isolate Poland? Are you telling the Tribunal that Hitler never mentioned that to his foreign minister, who would have the practical conduct of foreign policy?

A. No. At that point he didn't do that. In my opinion he did it much later in the summer of 1939. At that time he did talk about it, that he had decided to solve the problem one way or another; so or so.

Q. And do you say that you didn't know in May that Hitler wanted war?

A. Did I what?

Q. You didn't know in May that Hitler wanted war?

A. I wasn't at all convinced of that.

Q. It is quite clear from the document that he did want war, isn't it ?

A. This document no doubt shows an intention of action against Poland, but I know that Hitler often used strong language towards his military personnel. And such a form indicating that he was firmly determined is contained therein, but whether that was realized politically, whether he would have carried it out, that is a completely different question. I know he told me repeatedly that one had to talk to military persons as if war was breaking out.

Q. Now, I want to ask you about another point. You said on Friday that you had never expressed the view that Great Britain would stay out of a war and would fail to honor her guarantee to Poland. Do you remember saying that?

A. Yes.

Q. Is that true?

A. Yes.

H0098-0061

Q. Well now, I would just like you to look at one or two other documents. Do you remember on the 29th of April 1939 receiving the Hungarian Prime Minister and the Foreign Minister at three-thirty in the afternoon?

A. No, I don't remember that.

Q. Well, we have the minutes of your meeting signed by -- I think von Erdmannsdorf. Did you say this to the Hungarian Prime Minister and Foreign Minister, "The Reich Foreign Minister added that it was his firm conviction that no matter what happened in Europe no French or British soldier would attack Germany. Our relations with Poland were gloomy at the moment."

Did you say that?

A. I don't think I ever said that. I consider that impossible.

Q. Well, if you got a copy --

A. May I perhaps have a look at the document?

Q. Oh, certainly; with pleasure. This will become GB 289, Document D-737.

A. I can't, of couse, now tell you in detail what I said at that time, but what is possible is that at that time the Hungarians were concerned about the Polish problem and that one wanted to calm them down. That is perfectly feasible. But I hardly believe I said this. It could be that the Fuehrer knew and that the Fuehrer said that England would not march to the aid of Poland.

Q. If you are a little doubtful would you look at Document D-738, which will be GB 290. Evidently you saw these gentlemen again two days later. Just look at the last sentence of that. "The Reich Foreign Minister pointed out again that Poland presented no military problem for us. In case of a military clash the British would coldly leave the Poles in the lurch." That is quite straight speaking, isn't it, "The British would coldly leave the Poles in the lurch."?

H0098 - 0062

A. I don't know on just what page that is.

Q. It is paragraph 7, and it is the report of the 1st of May, the last sentence of my quotation. It is signed by a gentleman called von Erdmannsdorf; it appears at about his signature. The words I am asking you about are "in case of a military clash the British would coldly leave the Poles in the lurch."

A. Is that on page 8 or where? On what page, if I may ask?

Q. My heading is paragraph 7. It begins: The Reich foreign minister then returned to our attitude towards the Polish question and pointed out that the Polish attitude had aroused great bitterness.

A. It is perfectly feasible that I said something like that, and if it was said it was so as to not unsettle the Hungarians too much and keep their nose to the grindstone. That is a political conversation, that is all. That is clear.

Q. Did you have any requirement to tell the truth in a political conversation?

A. Well, we are not concerned with that. This is a question of bringing about a situation in which the question can be solved diplomatically. If I were to tell the Hungarians today -- and this applies to the Italains later on -- that England would assist Poland and that a large war would break out, then this would create a diplomatic situation in which the problem couldn't be solved at all. There is no doubt, therefore, that I at that time used very strong language, just as the Fuehrer always ordered me. If his own foreign minister would have hinted at other possibilities, then that would naturally have caused great difficulties, and I should like to say that this would have meant that under all circumstances it would have led to war. We wanted to create a strong German position so that we could solve this problem peacefully.

THE PRESIDENT: Are you making that GB 290 or 289?

SIR DAVID MAXWELL FYFE: 738 is 290.

A. (continuing) May I perhaps add that the Hungarians were always somewhat worried -- always agreeable to German foreign policy -- and the Fuehrer told me that I should use particularly forceful language in that connection, as I often used towards my own diplomats.

H0098 - 0063

Q. You want us to assume that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what it comes to shortly, isn't it? That is what you want us to understand -- that you were telling lies to the Hungarians but you are telling the truth to this Tribunal. That is what you want us to understand, isn't it?

A. I don't know whether you can talk about lies in this connection, Mr. Prosecutor. This is diplomacy; and if we were to bring about a powerful situation, then of course we couldn't go beating about the bush. The Fuehrer often used such language; he ordered me to use the same. I want to emphasize once more that I used such language particularly to my own department, the foreign office, so that there was a clear line of policy laid down if the Fuehrer were aiming at the solution of a problem,no matter what the circumstances, so that if a war would arise it was our only chance to indicate a very strong attitude. But if you didn't do that, then war would have arisen in any case.

Q. Well, now, I want you to have in mind what Count Ciano ways that you said to him on, I think the 11th or 12th of August, just before your meeting at, I think it was at Salzburg, with you and Hitler. You remember that according to Count Ciano's diary he said that he asked you "What do you want, the Corridor or Danzig?" and that you looked at him and said, "Not any more; we want war." Do you remember that?

A. Yes. That statement is quite untrue. I told Count Ciano at the time -- and this is on the same line -- that the Fuehrer is determined to solve the Polish problem one way or another. Those were the instructions I had from the Fuehrer. That I am supposed to have said that we wanted war, that is particularly bad. It must be clear to every diplomat that one doesn't say a thing like that, not even to one's best and most faithful ally; but most certainly not to Count Ciano.

Q. I'd just like you to look at a report of the subsequent conversation that you had with Mussolini and Count Ciano not very long after, on the 10th of March 1940 -- that is, about nine months later. If you look at the document 2835-PS, which will become GB 291, and if you will turn to, I think it is page 18, line 19 --

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A. You mean page 18?

Q. I remind you again, a conversation between you and Mussolini and Ciano on the 10th of March 1940. It begins by saying: The Reich Foreign minister recalled that he actually did state in Slazburg to Count Ciano that he did not believe that England and France would assist Poland without further ado; that at all times the possibility of intervention by western powers must still be reckoned with. He was glad now about the course of events, because first of all it has always been clear that the differences would have to come sooner or later and they were inevitable.

And then you go on to say that it would be a good thing to finish the conflict in the lifetime of the Fuehrer.

A. Yes; that was after the outbreak of war, wasn't it?

Q. Yes. What I am putting to you are these words: He was glad now about the course of events, because first of all it had always been clear that differences would have to come sooner or later and they were inevitable. And if you will look at where it says "secondly" --

A. May I reply to that?

Q. Yes; but what I am suggesting to you is that that shows perfectly clearly that Count Ciano is right, and that you were very glad that the war did come, because you thought this was an appropriate time for it to happen.

A. I don't find it; I can't find it. To the contrary, it says here that he was still expecting the possibility of an intervention on Britain's part. It says so here clearly.

Q. But it is the second part that I am putting to you. I pass from that point about British intervention. I say he was glad now about the course of events, and if you will look down at the paragraph, so that you will have it in mind, the third line says:

Secondly, at the moment when England intorduced general conscription it was clear that the relationship of the powers would not fornulate itself in the long run in favor of Germany and Italy.

A. May I ask where it says that?

Q. A few lines further down. The word secondly is underlined, isn't it?

H0098 - 0065

A. No, it doesn't say so here.

Q. Secondly, at the moment when England introduced general conscription -- It is about ten lines further on.

A. What is the British Prosecutor trying to prove here? I don't quite understand.

Q. I want you to look at the next sentence before you answer my question. This, along with the other things, was decisive for the Fuehrer's decision to solve the Polish question even under the danger of intervention by the western powers. The deciding fact was, however, that a great power could not take certain things lying down. What I am saying --

A. That appears correct to me.

Q. And that was your view at the time and the view that you declared afterwards as being your view -- that you were determined that you would solve the Polish question even if it meant war? Count Ciano was perfectly right in saying that you wanted war. That is what I am putting to you.

A. No; that is not correct. To the contrary, I told Count Ciano at the time at Berchtesgaden that the Fuehrer was determined to solve the problem one way or another, or so and so; and that expression was particularly necessary because the Fuehrer was convinced that whatever became know to Rome would go to London and Paris at once. Thus, he wanted clear language to be used, so that Italy would be on our side diplomatically. If the Fuehrer had said or if I had said that the Fuehrer was not so determined to solve that problem, then it would have been passed on immediately without doubt, but since the Fuehrer was determined, if necessary even by war, to solve it, if it couldn't be solved any other way, then this would definitely make war. That is the explanation for that clear and strong diplomatic attitude which I assumed at that time. But I don't know why what is being said here should be contradictory.

Q. I want you to pass on to the last week in August and take that again very shortly, because there is a lot of ground to cover.

You agreed in your evidence that on the 25th of August the Fuehrer called off the attack which was designed for the morning of the 26th. You remember that. I jst want you to have the dates in mind.

H0098 - 0066

A. I know that date very well.

Q. Now, you have heard, you were here in court the day Dahlerus gave his evidence, were you not?

A. Yes, I was here.

Q. And let me remind you of the date, that on the evening of the 24th the Defendant Goering asked Herr Dahlerus to go to London the next morning to carry a foreward -- a pre-message -- of what the Fuehrer was going to say to Sir Neville Henderson on the 25th. Do you remember that was his evidence? And on the 25th, at 1:30 --

H0098 - 0067

A I can't recollect the dates quite exactly, but I think it was like that.

Q I know these dates pretty well, and the Tribunal will correct me if I am wrong, but I am giving them as I have looked them up. That was the night of the 24th; Dahlerus left on the morning of the 25th, and then at 1:30 on the 25th--you said about noon; I am not quarreling with you for a matter of minutes--midday on the 25th the Fuehrer saw Sir Neville Henderson.

A Yes, that's right.

Q And it was called the "Note Verbale", That is asking in general terms.

A I think it was given to him or handed to him in the evening, and in midday he only talked to him. In the evening he dispatched Ambassador Schmidt who said there was a special message, and asked him once more to put his government how serious the Fuehrer was about this message. I think that is contained in the British Blue Book.

Q Whenever you gave him the actual note, Herr Hitler told him the general view in the oral conversation which he had with Sir Neville in the middle of the day?

A Yes, that's right.

Q And the actual calling off attack on the morning of the 26th, as you have said, was not done until you had had the message from Signor Mussolini at about 3 o'clock, and the news that the Anglo-Polish formal agreement was going to be signrd that evening about 4 o'clockm That is what you have said.

Now, the first point that I am putting to you is this: That at the time that Herr Dahlerus was sent, and the time of this note, when the words were spoken by the Fuehrer to Sir Neville Henderson, it was the German intention to attack on the morning of the 26th; and what I suggest is that both the message to Herr Dahlerus and the words which were spoken to Sir Nevillw Henderson were simply designed in order to trouble the British Government in the hope that it might have some effect on them withdrawing from their aid to Poland; isn't that right?

A Do you want me to answer that?

Q Certainly; I am asking you.

A I didn't quite understand it, The situation is that I don't know the message Dahlerus had; I can't talk about it.

Regarding the meeting between Hitler and Sir Neville Henderson, I can say

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that in the morning I saw the correspondence between Mr. Chamberlain and Adolf Hitler--I think dated the 22nd. That correspondence finished in a sort of deadlock. I talked to the Fuehrer afterwards, wondering whether I shouldn't make yet another effort to come to a solution with England. Subsequently, towards midday--I think it was 1 or 2 o'clock-- the Fuehrer met Sir Neville in my presence and he told him that he should take his airplane and fly to London so as to talk to the British Government as quickly as possible. He had the intention that after solving the Polish problem of submitting yet wider proposals to Britain. I think he was dictating it, but I havn't got that in my recollection exactly.

Then Sir Neville Henderson flew to London. When th Fuehrer had that conversation,military measures were being taken. I heard that that day. Mussolini's refusal was received earlier. I don't think it was 3 o'clock; I think it was in the morning. Then at 4 or 5 in the afternoon I heard about the Polish-British agreement being ratified, and I went to see the Fuehrer and suggested to him to withdraw the military orders which had been made. He did so after a short time.

There is no doubt that in the meantime certain military measures were going on. Just how far they went I cannot, unfortunately, say; but when the Fuehrer was sending that verbal note to England I was under the impression that if England would react proptly to that conflagration would not have arisen. In that case military measures which were automatic could have been arrested later on. But about that I cannot say anything in detail.

I only recollect one thing, and that is that when I received the note from the Fuehrer -- which I think was towards the evening; certainly in the afternoon -- then those measures had already been stopped or they were in the process of being stopped. But exact hours of course I cannot at the moment give you. I would have to have detailed evidence which unfortunately I havn't got here. But one thing is certain, and that is that it was the Fuehrer's suggestion at the time to offer -- there was an offer made to England so as to try still to come to a solution of the Polish problem. When I saw the Note Verbale I told him, "How about the Polish solution?" and I still recollect that he said, "Let's send that note to the British, and if they react to it then we can still see what to do."

H0098 - 0069

I think military measures were either stopped there or they had been stopped rpeviously or were stopped just after that.

Q Now, you weren't present at the meeting of the Fuehrer and his Generals on the 22nd of August, but you must have heard many times the account of it read out since this trial started. You remember the Fuehrer is reported, according to minutes, to have said:

" I shall give up propagandistic causes for starting the war; never mind whether it be plausible or not. The victor shall not be asked later on whether we told the truth or not. In starting and making a war, not the right is what matters but victory."

That is what was said at Obersalzberf. Had Hitler ever said anything like that to you?

A Did you say 27th?

Q 22nd. What I am asking you is, had Hitler said anything similar to that to you ?

A No. During that discussion on the 22nd I wasn't present. I think I was was on my way to Moscow.

Q I said you weren't present. That is why I put it in that way. Had he ever said anything similar to you ? You say no. Well, now, I want you to come to the 29th.

A May I just say something about that ?

Q No. If you say that he hadn't said it to you, I am not going to pursue it, because we musn't waste too much time on each of these details. I wan t you to come to the 29th of August when you saw Sir Neville Henderson, and while accepting with some reservation the idea of direct negotiation with Poland you said that it must be a condition of that negotiation that the poles whould send a plenipotentiary by the next day, by the 30th. You remember that ?

A Yes. Well, it was like this --

Q (Interposing) I really don't want to stop you, but I do want to keep it short on this point.

A Yes. In that case I have got to say no, because this isn't the correct version. May I then go on explaining ?

H0098 - 0070

Q I am sorry, because this is only preliminary. I thought it was common ground that you saw Sir Neville on the 29th, that you put a number of terms. One of the terms was that a Polish plenipotentiary should be present by the 30th. If you don't agree with that, please tell me if I am wrong, because it is my recollection of all documents.

A Yes, that is correct.

Q Now, on the 30th you have told us that your reason for not giving a copy of the terms to Sir Neville was, first, because Hitler had ordered you not to give a copy. And I think your reason given at the time was that the Polish plenipotentiary had not arrived, and therefore it was no good giving a copy of the terms. That's right, isn't it ?

A Yes, that's correct. That's right.

Q Now, these terms that were given, that were read out by you, were not ready on the 29th, because in your communication demanding a plenipotentiary you said if he came on the 30th you would have terms ready by that time. So may I take it that these terms were drawn up bu Hitler with the help of the Foreign Office between the 29th and the 30th ?

A He dictated them personally. I think there were 16 points, if I remember rightly.

Q Yes, now, did you really expect after the treatment of von Schuschnigg of Tiso, of Hacha, that the Poles would be willing to send a fly into the spider 's parlor ?

A We certianly expected that; we hoped for it. And I think that one gesture, one hint, from the British government would have sufficed to bring that Ambassador to Berlin.

Q And what you hoped was to put the Poles in this dilema, that either these terms would stand as a, to use Hitler's phrase, propagandistic cause for the war, or else you would be able, by putting pressure on the Polish plenipotentiary, to do exactly what you had done before with Schuschnigg and Tiso and Hacha, and get a surrender from the Poles. Wasn't that what was in your mind ?

A No. The situation was different. I must say that on the 29th the Fuehrer told the British Ambassador that he would draft these conditions or this

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agreement and until the arrival of the Polish plenipotentiary he would place them at the disposal of the Birtish Goverrment. At least he was hoping that this would be possible. I think those were his words.

Sir Neville Henderson accepted that, and I must repeat that the Fuehrer, after the British reply had been received on the 28th, once more and in spite of the extremely tense situation between Poland and Germany, agreed to this mean of negotiation.

Decisive, therefore, is the following : That during these critical days of the 30th and 31st, the Fuehrer had drafted these conditions. England knew that the possibility of a solution existed. During the whole of the 30th of August we never heard anything at all from Britain, at least nothing definite. Only at midnight, I think, did the British Ambassador report for this discussion.

In the meantime, I must say that at 7:00 o'cloch in the evening the news of general mobilization in Poland had been received, which excited the Fuehrer to a considerable degree. By that the situation had been brought to a more critical stage . I still remember exactly what the situation at the Chancellory was. News was received hourly tegarding the incidents, regarding streams of fugitives, and so forth and so on. In fact, the atmosphere was loaded with electricity and was extremely tense.

The Fuehrer waited during the whole of the 30th but he did not receive any definite news. At midnight of the 30th, that conversation took place. It has been said by me here, and by the interpreter Schmidt, just how that conversation went.

I had done more at that time than I was allowed to, and I had read the entire contents to Sir Neville Henderson, and I had hoped that perhaps England would nevertheless still make a move. Sir Neville Henderson had been clearly told by the Fuehrer that a Polish mission would be treated on equal terms. The possibility existed, therefore, either to meet at a third place or that someone would come to Berlin, or that the Polish Ambassador Lipski would be given the necessary authorities. Those were the possibilities but I would like to go further.

H0098 - 0072

It was really only possible that during the 30th or even the 31st, until late at night or until the morning when the march began, that at least the Polish Ambassador Lipski would receive authority to receive at least the German proposals, If this had been done, then the diplomatics negotiations would have started at least, and for the time being the crisis would have been averted.

I also believe -- and I have said so already -- that there would have been no objections. that everybody would have appreciated it, if the basis for negotiations that I have described here had existed, any intervention from the British Government during the 30th or 31st and negotiations would have been put on a reasonable basis on the strength of proposals which England described as reasonable.

There wouldn't have been a situation which would have been particularly depressing for the Pokes. I believe that on the basis of these reasonable proposals which were perfectly in keeping with the rules of the League of Nationa with reference to the plebiscite in that Corridor, that this would have been a perfectly acceptable solution for Poland.

THE PRESIDENT: The Tribunal will adjourn now for ten minutes.

(A recess was taken.)

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THE PRESIDENT: Defendant, the Tribunal desires me to say that they think that your answers and your explanations are too long, too argumentative, and too repetitive and they are upon matters which have been gone over and over again before the Tribunal, so they would therefore ask you to try and keep your answers as short as possible.

THE WITNESS: Yes.

BY SIR DAVID MAXWELL FYFE:

Q. Did I understnad you correctly, witness, on Friday, that you didn't know about the connection between Quisling and the Defendant Rosenberg in the spring and summer of 1939. It was well before the war--spring and summer, before June of 1939?

A Yes, it is correct to say, to be sure, that Rosenberg had friends in Norway and Quisling was one, but his name meant nothing at that time. On the wish of the Fuehrer, I gave Rosenberg certain money for his friends in Norway for newspaper propaganda, and so on.

Q. You didn't know, as I understand your testimony, that some of Quisling's men had been in a training school in Germany in August of 1939, before the war?

A No, I don't remember that. I heard of it through a document here and I don't recall that I knew anything of it at that time. If I did know anything of it, then I didn't know what the matter was at hand.

Q. Did you know that the Germans living in Norway, had been used to enlarge and extend the staff of the various German official agencies, the legation and the consulates, soon after the beginning of the war?

A No, I don't remember that at the moment at all. I didn't really find out about that if that was the case.

Q. It is the quotation from the year book of the NSDAP. All I want to know at the moment is whether or not you knew about that. If you say you didn't--

A I didn't.

Q. Did you know at the time in December, 1939, that Quisling had two interviews with Hitler on the 16th and 18th December?

A No. What was the date, may I ask?

Q. 16th and 18th December, 1939--through the Defendant Raeder--

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A No, I knew nothing about these discussions.

Q So that practically, the first matter that you knew about in regard to Norway was, first, when you got the letter from Raeder, dated the 3rd of April?

A No, I believe that was a letter from Keitel.

Q I beg your pardon. It is a mistake of mine. I am sorry. Do you remember a letter from Keitel, where he says "The Military Occupation of Denmark and Norway had been by command of the Fuehrer, long in preparation by the High Command of the Wehrmacht -- the High Command of the Wehrmacht had therefore ample time to occupy itself with all the questions connected with the carrying out of this operation." So really, witness, I may perhaps be able to shorten the matter. You are really not a good person to ask about the earlier preparations with regard to Norway, because you weren't in on these earlier discussions with Quisling and with Raeder and Hitler. Is that right? If so, I will leave the subject.

A No. I did not participate in those things but I should like to make one thing clear, that I received this letter only some days later. The first intimation I had of the intentions of the occupation of Norway, I received about thirty hours ahead of time. The letter was probably longer under way than it should have been.

Q Then I shall not occupy time because there is a good deal to cover, and I will take you straight to the question of the Low Countries. You have heard me read, and probably other people read, more than once, the statement of Hitler's on the 22nd of August 1939. "Another possibility is the violation of Dutch, Belgian and Swiss neutrality. I have no doubt that all these States, as well as Scandanavia, will defend their neutrality by all available means. England and France will not violate the neutrality of these countries. That is what Hitler said on the 22nd of August. You weren't there, and I ask you again if he expressed the same opinion to you?

A No, that, he did not.

Q Did you know that from a very early date, on the 7th of October 1939, that an Army Group order was given that Armed Group B is to make all preparations, according to special orders, for immediate invasion of Dutch and Belgian territory if the political situation so demands. Did you know of that order on the7th of October?

H0098 - 0075

A No. I believe I heard it here but I didn't know about it before.

Q And did you know that on the 9th of October, Hitler issued a directive: "A long waiting period results not only in the ending to the advantage of the Western Powers, of Belgian, and perhaps also of Dutch neutrality, but also strengthens the military power of our enemies to an increasing degree, causes confidence of the neutrals in Germany final victory to wane. Preparations should be made for offensive action on the northern flank of the Western Front, crossing the area of Luxembourg, Belgium, and Holland. This attack must be carried out as soon as and as forcibly as possible." Did youknow that Hitler issued that directive on the 9th of October?

A No, that I didn't know.

Q So that as far as you were concerned, you tell the Tribunal that Hitler gave his assurance, the many assurances, in August and October, without telling his foreign minister that on the 7th and 9th of October, he had given the directive for the attack on the Low Countries, that he didn't tell you as to his order or his directive for his attack on the Low Countries? Are you sure of that?

A I am pretty sure of that, otherwise I should recall it. I know one thing, that such thoughts, whether or not one should advance in the West, after the Polish Campaign, had been brought up but nothing more specific.

Q I see. If you say that is the state of your knowledge, we will pass on to something about which you did know a little bit more. Do you remember the meeting of Hitler and yourself with Ciano at Obersalzberg on the 12th of August 1939?

A Yes. I saw the document regarding that, here.

Q Well, then, I want you to just look at that document, and it is page 181. I want youto follow while I read one passage, which should be about 182. It is on my second page and it is a paragraph which begins, "As Poland makes it clear by her whole attitude that in case of conflict..."

A I haven't found it.

Q Well, if you look for that "As Poland makes it clear by her whole attitude..."

H0098 - 0076

A On page 2?

Q It should be on page 2, on my page two. It may be further on in yours.

A Is that the beginning of the paragraph?

Q Yes, "As Poland makes it clear...." It is two paragraphs on from a single line that says at that point "Count Ciano showed signs of ..."

A I found it, yes.

H0098 - 0077

Q. Would you look at the next sentence, "Generally speaking..." This is the next sentence but one:

"Generally speaking, it would be best to liguidate the pseudo-neutrals one after the other. This is fairly easily done if one Axis partner protects the rear of the other who is just finishing off one of the uncertain neutrals, and vice cersa. Italy may consider Yugoslavia such an uncertain neutral.

"At the visit of Prince Regent Paul, he, Hitler suggested, particularly at the consideration of Italy, that Prince Paul clarify his political attitude towards the Axis by a gesture. He had thought of a closer connection with the Axis, and Yugoslavia's leaving the League of Nations. Prince Paul agreed to the latter. Recently the Prince Regent was in London and sought reassurance of the Western Pwers. The same thing was repeated that happened in the case of Kafenku who was also very reasonable during his visit to Germany and who denied any interest in the aims of the Western democracies."

Now, that was Hitler's formulation of his policy, and may I state that that was the policy which you were assisting to carry out, to liquidate the pseudo-neutrals one after the other, and include among these pseudo-neutrals Yugoslavia?

A. No, that is not to be understood in that way. I must state the following in this connection. The situation was this: Hitler wanted to keep Italy alert. Italy was always a very uncertain country. For that reason, he spoke at that time in a way designed to tell Italy that if it had any difficulties with Yugoslavia, Germany would support Italy.

The situation was this, that Germahy, with Italy's assistance, had already taken some positions in Europe peacefully, during which Italy supported Hitler. I remember the situation.

Q. But it isn't an explanation of the words I put to you which is the important thing. "It would be best to liquidate uncertain neutrals one after the other." Are you denying that that was your policy, to liquidate uncertain neutrals?

A. No, that can't be taken so literally. They were diplomatic discussions, and I do --

H0098 - 0078

Q. (Interposing) I want to --

A. (Interposing) This was a question of Yugoslavia.

Q. This had always been Mussolini's view, hadn't it, that the Balkans should be attacked at the earliest possible opportunity?

A. That I don't know.

Q. Well, would you look at Document 2818-PS. My Lord, this will be GB-292.

Do you remember this is the secret additional protocol to the friendship alliance pact between Germany and Italy made on the 22nd of May, 1939, and appended to it there are some comments by Mussolini on the 30th of May,1939. Do you see?

A. What page?

Q. Well, I just wanted you to look at two passages. Do you see where the comments by Mussolini begin? Under the pact itself, do you see the comment by Mussolini?

A. Yes, here it is.

Q. Well now, No. 1 says:

"The war between the plutocratic and therfore selfishly conservative nations and the densely populated and poor nations is inevitable. One must prepare in the light of this situation."

Now, if you will turn to paragraph 7, you see Mussolini is hoping that the war will be postponed, and he is saying what should happen if the war comes He says that:

"The war which the great democracies are preparing is a war of exhaustion. One must therefore start with the worst assumption which contains 100 per cent probability: The Axis will get nothing more from the rest of the world. This assumption is hard, but the strategic positions reached by the Axis diminish the vicissitude and the danger of a war of exhaustion considerably. For this purpose one must take the whole Danube and Balkan area immediately after the first hours of the war. One cannot be satisfied with declarations of neutrality, but must occupy the territories and use them for the procurement of necessary food and industrial war supplies."

H0098-0079

Do you see that? O don't you agree that it was Mussolini's view that the Balkans should be attacked at the earliest possible moment?

A. As I remarked, this is the first time I have seen this report of Mussolini.

Q. Now, I want you to come to the remarks of Hitler's which you have seen considerably more than once. You remember, after the Simovitsch coup d'etat on the 26th of March, there was a meeting, a conference with Hitler, where he announced his policy:

"The Fuehrer is determined, without waiting for possible loyalty declarations of the new government, to make all preparations in order to destroy Yugoslavia militarily and in a national unit. No diplomatic inquiries will be made nor ultimatums presented. Assurances of the Yugoslav Government, which cannot be trusted anyhow in the future, will be taken not of. The attack will start as soon as the means and troops available for it are ready."

Do you remember Hitler saying that on the 27th of March?

A. I don't have that in my hand. Could I perhaps see the document?

Q. Don't you remember it? Don't you remember it? I has been read many times in this Court, Hitler's statement.

A. Yes, I remember it, not the individual words, but in general.

Q. Do you remember that was the sense of it, and I read his words. Now, that was the policy --

A. (Interposing) I don't know what you are driving at.

Q. Well, I'll put it to you now. What I am driving at is this, that it was your policy to attack Yugoslavia without asking them for assurances, without any diplomatic action of any kind. You decided to attack Yugoslavia and to bomb Belgrade. Isn't that right?

A. No, the situation was entirely different.

Q. I want your explanation of these points which I have specifically read and mentioned to you. "No diplomatic inquiries will be made." Why did you decide, or why did Hitler decide, and you help, in attaking Yugoslavia without making any diplomatic inquiries, without giving the new government any chance to give you assurances? Why did you do it?

H0098 - 0080

A. Because the new government had been formed, above all, by England. As I discovered in the course of the previous negotiations, this was admitted to me. It was perfectly clear to me when the Simovitsch putsch was carried out that behind Simovitsch's government there were enemies of Germany and that this army was mobilizing in order to attack the Italian army from the rear. It was not my policy, but I entered these negotiations of which you are speaking later, and Hitler apodictically stated his attitude without giving anyone a chance to contradict. I was present then. I had a serious conversation with the Fuehrer on that occasion.

Q. Did you think it right to attack this country without any diplomatic measures being taken at all, to use Hitler's words "with unmerciful harshness"; military destruction, and to destroy the capital of Belgrad in attacks by waves of bombers? Did you think that was right?

I asked y u a simple question. Did you think it was right?

A. I can answer this question neither with yes nor no without giving an explanation of my answer.

Q. Then you needn't answer it. If you can' answer that question yes or no, you needn't answer it at all. And you come on to the next point which is the question of Russia.

Now, as far as I could understand your statement, you said that Hitler had decided to attack the Soviet Union after M. Molotov's visit to Berlin on, I think, the 12th of November of 1940.

A. I didn't say that because I didn't know it.

Q. Well, as I understood it, one of the reasons which you were giving as a justification for the attack on the Soviet Union was what was said by M. Molotov during his visit of November 1940. Isn't that what you said?

A. That was one of the reasons that caused the Fuehrer concern. I did not know anything about an attack at that time.

Q. You know that the defendant Jodl says that even during the western campaign -- that is, May and June 1940 -- Hitler had told him that he had made a fundamental decision to take steps against this danger, that is, the Soviet Union, "the moment our military position made it at all possible."

H0098 - 0081

Did you know that?

A. I found that out for the first time here in Nurnberg.

Q. That is L-172, US-34, Jodl's lecture.

And did you know that on the 14th of August 1940, General Thomas was informed during a conference with Goering that the Fuehrer desired punctual delivery to the Russians only until the spring of 1941; that "later on we would have no further interest in completely satisfying the Russian demands."

Did you know that?

A. No, I did not.

Q. And did you know that in November of 1940, General Thomas and Secretary of State Koerner, Neumann, Becker, and General von Hannecken were informed by Goering of the action planned in the East?

Did you know that?

H0098 - 0082

A. No, I did not know that either.

Q. You know now, don't you, that a long time before any of the matters raised in M. Molotov's visit came up for discussion, Hitler had determined to attack the Soviet Union?

A. No, I did not know that at all. I knew that Hitler had doubts, but about that I did not know. I knew nothing about military preparations, because that was out of my province.

Q. Even on the 18th of December, when Hitler issued the directive number 21 on Barbarossa, he told you nothing about it?

A. Yes, because precisely in December, as I happen to remember, I had a long talk with the Fuehrer in order to get his approval in winning the Soviet Union as a party to the three-power pact, and to incorporate them into the three-power pact. Hitler was not altogether enthusiastic about this idea, but he told me, "We have carried out various things, and we might even carry out that." This was in December, and I remember that very precisely as it happened.

Q. Do you understand what you are saying?

A. There is an affidavit available of a witness, who can testify to this, which the defense is going to produce.

Q. Do you understand what you are saying? This is after the defendant Goering had announced it to General Thomas and these under-secretaries, after the directive had actually gone out for Barbarossa, and you are saying that Hitler let you suggest that you should try and get the Soviet Union to join the three-power pact, without ever telling you that he had his orders out for the attack of the Soviet Union. Do you really expect anyone to believe that?

A. I didn't quite understand the question.

Q. The question was, do you really expect anyone to believe that after it had been announced time and again that the Riech was going to attack the Soviet Union, and after the actual directive had gone out for the attack, that Hitler let you tell him that you were thinking of asking them to join the three-power pact? Is that you evidence?

A. Yes, that is exactly the way it was., I suggested this to him again in December, and received his assurance that we would talk about it later. I knew of no plans for an attack on Russia.

H0098 - 0083

Q. And it was quite clear that as far as your department was concerned you were getting the most favorable reports about the Soviet Union and about the unlikeliness of the Soviet Union making any incursion into political affairs inimical to Germany? Is that right, so far as your reports from your own Ambassador and your own people in Russia were concerned?

A., Reports of this sort came from the legations in Moscow. There were always such diplomatic reports, which I submitted to the Fuehrer. However, the Fuehrer insisted that the diplomats in Moscow were the worst informed men in the world.

Q. But that was your honest view, based on your own information, that there was no danger from Russia, that Russia was keeping honestly to the agreement that she had made with you. That was your honest view, was it not?

A. I didn't say that. Those were the reports from the diplomats, which we received from Moscow.

Q. Didn't you believe them? Didn't you believe your own staff yourself?

A. I was very skeptical myself as to whether these reports were reliable because they were reports of an altogether different sort that could be had at the Fuehrer's headquarters. Regarding the political attitude, some thing else was true again.

Q. At any rate, in the spring of 1931, your office joined in the preparations for the attack on the Soviet Union, did it not?

A. I don't know precisely when, but in the spring things reached a climax and there must have been conferences that dealt with the possibility of a conflict with the Soviet Union. However, I don't know anything about that now, in detail.

Q. I see. Again, I don't want to occupy too much time over it, but it is right, is it not, that in April of 1941 you were cooperating with Rosenberg's office in preparing for the taking over of Eastern Territories, and, on the 18th of May, you issued a memorandum with regard to the preparation of the naval campaign?

A. So far as the preparations with Rosenberg are concerned, that is in error. I spoke about this matter to Rosenberg only after the outbreak of war. So far as that navy memorandum is concerned, I saw that document here; I had not

H0098 - 0084

known of it previously. I believe it is a memorandum about international law matters which might arise in connection with a sea war in the Baltic Sea.

Q. It says: "The Foreign Office has prepared, for use in Barbarossa, the attached draft of a declaration of operational zones." Don't you remember anything about that?

A. No, that did not reach me at all then. That was settled by another office. Of course, I was entirely responsible for anything that happened in my ministry.

Q. Wasn't Ambassador Ritter the liaison officer between your office and the Wehrmacht?

A. Yes, that is so.

Q. Now, again, I want you to help me about one or two other matters. You have told us that you negotiated the anti-Commintern pact back in 1936, and of course at that time the anti-Commintern pact -- and I think you said so yourself -- was directed against the Soviet Union. That is so, isn't it?

A. Yes. It was more an ideological pact, which, nevertheless, had certain political implications.

Q. And that was extended by the tripartite pact of the 27th of September, 1940? That was an extension of the first pact, was it not?

H0098 - 0085

A It had in itself nothing to do with the first pact. That was a purely, economic, and military pact.

Q Well now, the fact is--and I think I can take this quite shortly--that you were urging Japan to enter the war quite early in March of 1941, weren't you?

A That could be, for an attack on England.

Q Yes. I am taking it shortly, because you have given your explanation. You say you were at war with England, and therefore you were entitled to see an ally in the Japanese. That is your point, is it not?

A I don't believe I did anything other than what any other diplomat would have done, either in England or Soviet Russia.

Q I am not going to put any points to you on that actual fact, but it did occur to you quite early, didn't it, that if Japan came into the war, then it was a possibility that the United States might be brought in shortly after? And you agreed, in April of 1941, that if the coming in of Japan produced the fact that Japan would be involved with the United States, you would be prepared to fight the United States too. That is right, isn't it?

A No, not in that phrasing. I believe I did everything I could, until the day of Pearl Harbor, to keep America out of the war. I believe that that is proved by many documents that I have seen here for the first time.

Q Well now, since you said that, I would like you to look at document N-352 of your book, at page 204 of the English Document book.

A Yes, I know this document; I have read it here.

Q Well, that was a week before Pearl Harbor, on the 29th of November, and according to the Japanese Ambassador, you are saying this to him-- if you look at paragraph 1:

"Ribbentrop: It is essential that Japan effect the new order in the East Asia without losing this opportunity. There has never been, and probably never will be, a time when closer cooperation under the tripartite pact is so important. If Japan hesitates at this time and Germany goes ahead and establishes her European new order, all the military might of Britain and the United States will be concentrated against Japan. As Fuehrer Hitler said today, 'there are fundamental differences in the very right to exist between Germany and Japan and the United States.'

H0098 - 0086

We have received advice to the effect that there is practically no hope of the Japanese-United States negotiations being concluded successfully, because of the fact the United States is putting up a stiff front. If this is indeed the fact of the case, and if Japan reaches a decision to fight Britain and the United States, I am confident that that will not only be to the interests of Germany and Japan Jointly, but would bring about favorable results for Japan herself."

Do you still say, in view of that document and that statement that you made to the Japanese Ambassador, that you were trying to prevent war with the United States? I suggest to you that you were doing everything to encourage Japan to go to war with the United States.

A I must contradict you there, Mr. Prosecutor; that is not true. I don't know about this document; I do not know where it came from; I never at any rate said that, and I regret that all the other documents that prove the opposite, the documents which go to prove that I did make efforts to stop the United States from getting into the war, have not been produced here.

I have been reflecting here all the time as to how this situation could have been brought about. All the other documents which have been presented here--a half dozen or so--prove very clearly my wish to keep America from the war. I can say that for years I had made efforts, despite the United Sta States intransigent attitude, to keep America from the war.

H0098-0087

I can only explain this in this way: That the Japanese ambassador wanted something to happen and I know I sent many telegrams to Tokyo in order to get Japan' participation in the war against Singapore. I believe that what you have just read is an incorrect transcript of some conference or other. I ask you to give the defense an opportunity to submit many documents up to this very date, which will prove the exact opposite of what you have here stated.

Q. Well, this is the official report to the Government of the Japanese Ambassador. You say that he is wrong when he says that you told him -- he gives your exact words -- that you were comforted that it would not only be in the interest of Germany and Japan, but would favorably bring the desired results?

Well, just look at the next document, if you deny that one. On page 356. This is another report of the Japanese ambassador and he said:

"The day after Pearly Harbor, at one o'clock, I called on Foreign Minister Ribbentrop and told him our wish was to have Germany and Italy issue formal declarations of war on America at once. Ribbentrop replied that Hitler was then in the midst of a conference at general headquarters, discussing how the formalities of declaring war could be carried out, so as to make a good impression on the German people and that he would transmit your wish to him at once and do whatever he was able to have it carried out properly."

Now, look at the last three words:

"At that time Ribbentrop told me that on the morning of the 8th, Hitler issued orders to the entire German Navy to attack American ships whenever and wherever they might meet them."

That was three days before the declaration of war. You say that that report of the Japanese ambassador is also wrong?

A. I believe that's in error.

Q. What's wrong about it?

A. I believe it's in error. That was after Pearly Harbor.

Q. Exactly, the day after Pearly Harbor.

A. That was an order of Adolf Hitler's to attack American ships which as everyone knows, had been attacking German ships for months.

H0098 - 0088

Q. When you say "attacking German ships", do you mean defending themselves against German submarines?

A. No, so far as I know, for months before Pearly Harbor we had delivered an official protest to the United States, in which we pointed out, in the case of the two U-boats Gria and Kerne, that these two boats had pursued German submarines and had thrown depth bombs at them. I believe the United States admitted this openly. I mentioned yesterday that Hitler said in his speech in Munich that he did not give the order to shoot or to attack American vessels but he had given the order to fire back if they fired first.

Q. What I want to know from you is this:

Did you approve of the policy of ordering the entire German Navy to attack American ships whenever and wherever they might meet them three days before war was declared? Did you approve of that?

A. I can't say anything about that now because I don't remember it and don't even know the document.

Q. Now, I want to ask you about another point. Do you remember that the.

A. It would have been understandable, that I must add.

Q. You have given your answer. Do you remember in June, 1944, that there was a conference about which we've heard evidence regarding the shooting of what is known as "terror flyers"?

Now, just listen to this question and try to answer it correctly, if you would. Is it correct, as is stated in the report, that you wished to include among terror flyers every type of terror attack on the German civilian population, that is, including bombing attacks on cities? Is it right that you wish to include that the airmen engaged in attacks on German cities as terror flyers

A. No, it is not true.

Q. Well, look at page 391. This is a report signed by General Warlimont on the conference on the 6th of June, and in the fourth line -- well, let me read it. It says:

"Obergruppenfuehrer Kaltenbrunner informed the deputy chief of staff in Klessheim on the afternoon of the 6th that a conference on this question had been held shortly before between Goering, Ribbentrop, and Himmler. Contrary to

H0098 - 0089

the original suggestion made by Ribbentrop, who wished to include very type of terror attack on the German civilian population, that is, also bombing attacks on cities, it was agreed at the above conference that merely the other attacks carried out with aircraft armament should be included."

Do you say that Kaltenbrunner was wrong when he said that you wished to include every type of attack?

A. Yesterday I answered this question at length. I answered this questio I think, very exhaustively. If you wish, I can repeat it now.

Q. Well, I don't want you to repeat it. I want you to answer my question Do you say that Kaltenbrunner is wrong when he said at this conference that you wished to include those who were engaged in the bombing of cities?

A. That is not so. First of all, so far as I know, this conference never took place; and,,secondly, I stated my attitude perfectly clearly yesterday.

Q. Well, answer my question.

A. No, that is not true as you have stated it.

Q. I see. Then answer this question. Did you approve that the treatment of those that you called "terror flyers" should be that they should be left to be lynched by the population or else that they should be handed over to the SS?

A. No, that was not my attitude.

Q. Well, now, would you look on to page 393, page 214 of the English. This, as you know, is a memorandum from the Foreign Office, and it is stated on page 396 that General Warlimont states that Ambassador Ritter has advised us by telephone that the Minister for Foreign Affairs has approved this draft." The draft deals with the two actions in paragraph 1, that of lynching, and the draft says, "The German authorities are not directly responsible since death occurred before a German official intervened."

Do you agree with that view? Is that your view of the lynching of flyers?

A. No, that isn't my view either. I explained yesterday very exhaustivel what my attitude was. This document is a statement on the part of the Foreign Office. I don't know where it came from. It was submitted to me and I did not

H0098 - 0090

approve this document as it is submitted to me here. I sent it to the Fuehrer and asked him to decide about it. The Fuehrer then regarded this document as nonsense and therwith the matter was dropped.

Q. So that, with regard to this, you say that when Warlimont says that Ambassador Ritter advised the Wehrmacht by telephone on 29 June that you approved the draft, that either Warlimont is not speaking the truth or Ritter is not speaking the truth?

A. At any rate, it is not true because it can be seen from another document that I have seen here that this document was sent to the Fuehrer and that I said there that the Fuehrer must approve it. I see no other document regarding it. That's my recollection of the matter.

H0098-0091

Q Well, then, if you referred to the Fuehrer's view, let's just have a look at what that was. Have a look at document 3780-PS, which will be GB-293 which is an account of a meeting that you and Hitler had with Oschima on the 27th of May, 1944. It's on page 11, line 9 to 12. Do you remember in your presence Hitler advising Oschima that the Japanese should hang, not shoot, every American terror pilot; that the Americans will think it over before making such attacks? Did you agree with that view?

No, I do not agree with that view. If that is in this document, that is not my opinion.

Q. I see, Well, now--

A I don't even know if you said here where it is in the document.

Q You will find it on page 11, line 9 to 12.

A No, I don't remember that, but I can only say that this entire attitude of Hitler's be seen intthis document was brought about by the terrible results of the air attacks at that time.

Q I heard all that before. I asked you whether you agreed or not; you said "no". I want you now to deal with another point.

A I want to say something further regarding this point because it is of decisive importance.

Q You will say that to the defense counsel after you have answered my question on this. I want now to direct your attention to Stalag Luft 3. You may have heard me asking a number of witnesses a certain number of questions about it. These were the fifty British airmen who were murdered by the SS after they escaped. Do you know that? Do you know what I'm talking about?

H0098-0092

A Yes, I do.

Q You remember that my colleague, Mr. Eden, made a strong statement in the House of Commons, saying that these men had been murdered and that Great Britain would exact justice upon the murders? Do you remember that, in June of 1944?

A I heard of this speech on the part of Mr. Eden in the House of Commons, yes.

Q And do you remember that the Reich Government issued a statement saying that in a communication by the Reich Government conveyed to the British via Switzerland this unqualifiable charge of the British Foreign Minister had been sharply refuted, that being issued in July, 1944? Do you remember that being issued?

A No, I don't remember the content. I do remember, however, this: That at that time we received documentation of what had happened and that it was communicated to us bySwitzerland. That's all I know about it.

Q That is what I wanted to ask you: Did you know at the time that this statement was issued -- didyou know that these officers had been murdered in cold blood?

A No, I did not. I heard that these men had been shot while trying to escape. At that time we, to be sure, did have the impression that everything was not in order --

Q Let me take it in the statements. Who told you the lie that these men had been shot trying to escape? Who informed you of that lie?

A I don't remember. At that time we received documentation from the proper office --

Q From whom did you get your documentation which contained that lie? Did you get it from Himmler or Goering --

A I can't remember.

Q Then you told us, I think, that you had a good idea that things were not all right, hadn't you?

A Yes.

Q Thank you. Now, I want you to tell us a word about your connection with the SS. You are not suggesting, are you, at this stage of time that you

H0098 - 0093

were merely an honorary member of the SS? It has been suggested by your Counsel, and I am sure it must have been on some mistake of information that you were merely an honorary member of the SS. That is not the case, is it?

A That is no misunderstanding. That is exactly the way the situation was. I received from Adolf Hitler the SS uniform. I served no office in the SS, but as Foreign Minister or previously as Ambassador it was customary that one had a rank of some sort and I had the rank of SS Fuehrer.

Q I put ti entirely to you that that is entirely untrue, that you joined the SS before you became Ambassador at Large in May 1933, isn't that right?

A At any rate I did belong to the SS, yes.

Q You said just now it was honorary, because Hitler wanted you to have a uniform. I am putting it to you whether you joined the SS in May, 1933, in the ordinary way. Did you?

A Of course, you had to make an application, but the fact that this, that I was always going around to assemblies in a brown coat and they wanted me to wear a uniform. I don't know when that was. It must have been 1933.

Q And after you made application you joined the SS in the not too high rank of Standartenfuehrer, didn't you?

A Yes, that could be.

Q And you only became an Oberfuehrer on the 20th of April 1935, a Brigadefuehrer in June 1935 and Gruppenfuehrer on the 13th of September, 1936. That was after you became an Ambassador. And Obergruppenfuehrer on the 20th of April 1940. Before you were made an Ambassador you had been in all the SS offices for three years and you had received promotion in the ordinary way, when you did your work with theSS, isn't that so?

A Without ever doing anything myself in the SS.

Q Just look. It is GB-24, Document D-744-A. The correspondence is 744-B. You may take it; you need not go through it in detail. That is your application, with all the particulars. I just want to ask you one or two things about it. You asked to join, did you not, the Totenkopf, the Death Head Division of the SS?

A No, that can't be so.

H0098 - 0094

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A No, that can't be so.

H0098 - 0095

Q Don't you remember getting a special Death Head ring and dagger from Himmler for your services? Don't you?

A No, I don't remember. I never belonged to the Death Head Division. You were just talking about a Death Head Division, were you not?

Q A Death Head Division.

A No, that isn't so. That is an error. It may be so that I at one time received a dagger; that is possible.

Q And the ring, too. Here is a letter dated the 5th of November, 1935, to the Personnel Office of the Reichsfuehrer SS: "In reply to your question, I have to inform you that Brigadefuehrer von Ribbentrop's ring size is 17. Heil Hitler, signed: Thorner." He is your adjutant. Do you remember getting that?

A I believe that everyone received such a ring but I don't remember precisely. But no doubt it is true.

Q And you took, didn't you, continuous interest in the SS from 1933 up to well into the war? I think your correspondence with Himmler goes on to well into 1941 or 1942.

A Yes, that is quite possible, yes. Of course, we had a great deal to do with the SS in all fields.

Q You had, and especially in the field of concentration camps, hadn't you? Are you saying that you didn't know that concentration camps were being carried on on an enormous scale?

A No, I knew nothing about that.

Q I want you to look around for the moment. (A map in back of the witness-box was unveiled). That is an enlargement of the exhibits put in by the French Prosecution and these red spots are concentration camps. Now, I would just like you to look at it. We will see now what significance there is in the location of your various residences. There one north of Berlin, Sonneburg. Do you see roughly where that is on that map?

A Sonneburg is one hour's auto ride from Berlin.

Q North of Berlin?

A East of Berlin.

Q Let's take another one. You are quite near it yourself -- your schloss or tower at Fuschl. That is quite near the border, just over the border, and

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very near it -- the group of camps which existed around Mauthausen. Do you see them, just above your right hand? Do you see the group of camps, the Mauthausen group?

A I should like to state on my oath that I heard the word "Mauthausen" for the first time in Nurnberg.

Q Let's take another of the places. You say you didn't go there very often, but you used to --

A I believe I can make this much more brief for you. I can say I knew of only two concentration camps or had ever heard of them. One was Dachau, and Oranienburg, and Theresienstadt. All the others I heard here for the first time. Theresienstadt was an old people's home for Jews, and I believe was visited by the International Red Cross. I never heard previously of all the other camps.

Q Do you know that near Mauthausen there were 33 camps at various places, within a comparatively short distance, and 45 camps as to which the commandant didn't give the names because there were so many of them, and in the 33 camps there were over a hundred thousand internees? Are you willing to say that in all your journeys to Fuschl you never heard of the camps at Mauthausen, where a hundred thousand people were shut up?

A That was entirely unknwwn to me, and I can produce dozens of witnesses who can testify to that.

Q I don't care how many witnesses you produce. I ask you to look at that map again. You were a responsible Minister in the Government of that country from 4th of February, 1938 till the defeat of Germany in May, 1945, a period of seven and a quarter years. Are you telling the Tribunal that anyone could be a responsible Minister in that country where these hundreds of concentration camps existed and not know anything about them except two?

A It may be amazing but that is 100 per cent truth.

Q I suggest to you that it is not only amazing, but that it is so incredible that it must be false. How could you be ignorant of those camps? Did you never see Himmler?

A No, I never saw him about these things. These things were kept

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entirely secret and I just heard about them here, as to what went on in them, and nobody knew what went on in there. That may sound astounding but I am positively convinced that most of the menin the dock also knew nothing about what was going on.

Q We will hear from them in their turn. Did you know that from Auschwitz alone --

A I heard of Auschwitz here for the first time.

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Q And the German official of Auschwitz has sworn in an affidavit that four million people were put to death in the camp. Are you telling the Tribunal that that happened without you knowing anything about it?

A That was entirely unknown to me. I can state that here on my oath.

Q Well, now, there is one other subject, which I would like you to deal with, and here, fortunately, I am in the position of assisting your memory with some documents. It is a question of the partisans. I want you to look at a few documents, three documents, with regard to that.

THE PRESIDENT: Will you be able to finish tonight?

SIR DAVID MAXWELL-FYFE: Yes, I shall, if Your Lordship will allow me five minutes. That is what I have been trying to do.

Q Do you agree that you were in favor of the harshest treatment of people in the occupied countries?

A Could you repeat the question?

Q My question is, would it be a fair way of expressing your point of view by saying that you were in favor of the harshest treatment of--I will put it first of all--of partisans?

A I do not know whether I ever concerned myself with the treatment of partisans. I do not recall having done so. In general, however, I felt the opposite.

Q All right, look at Document D/735, which will be GB 295. That is a discussion between you and Count Ciano in the presence of Field Marshal Keitel and Marshal Cavallero in the Fuehrer's headquarters after breakfast on the 19th December 1942. Now, if you will look at page two, you will see that there is a passage where Field Marshal Keitel had told the Italian gentlemen that the "Croatian area was to be cleaned up by German and Italian troops working in cooperation, and this while it was still winter, in view of the strong British influence in this area. The Fuehrer had declared that the Serbian conspirators were to be burnt out, and that no gentle methods might be used in doing this. Field Marshal Keitel here interjected that every village in which partisans were found had to be burnt down. Continuing, the Reich Foreign Minister declared that Roatta must not leave the third zone, but must on the contrary advance, and this in the closest collaboration

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with the German troops. In this connection Field Marshal Keitel requested the Italian gentlemen not to regard the utilization of Croatian troops to help in this cleaning up operation as a favoring of the Croatians. The Reich Foreign Minister stated in this connection that the Croatian Fuehrer to whom he had spoken very clearly, was 100 per cent ready to come to an agreement with Italy."

Did that represent your view--that the "Serbian conspirators should be burnt out"?

A Please?

Q Did that represent your view, that "the Croatian conspirators should be burnt out"?

A I do not know that expression. At any rate--

Q What it means is that their villages should be razed to the ground by fire.

A Where did I say that? I do not believe I said that.

Q That is the Fuehrer's point of view. Was it your point of view?

A The Fuehrer took a very harsh attitude toward these people. I heard that occasionally also from other sources, including the military, harsh orders were issued, but they meant life and death.

Q Are you denying--

A At any rate, I do not see here where I said anything about partisans.

Q You say that is not your point of view? Is that what you are saying? That it is not your point of view? Are you saying that it is not your point of view as to the way to treat them? Don't look at the next document. Tell me, is that your point of view?

A Please repeat the question that you want me to answer.

Q Do you say that you were not in favor of harsh treatment of partisans?

A It was my opinion that the partisans who attacked the troops in the rear should be treated harshly, yes. But I believe everyone is of that opinion, and every army and every politician.

Q Including women and children?

A No, by no means.

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Q Just look at that, if you deny this attitude to women and children. Look at the document D/741.

My Lord, that will be document D/741. The last one is GB 296.

This is GB 297. My Lord, this will be GB 296.

Q Will you look at the end of that. That is a conference between you and Ambassador Alfieri in Berlin on 21 February 1943. The last paragraph says:

"Continuing, the Reich Foreign Minister emphasized that the conditions which Roatta's policy had helped to produce in Croatia were causing the Fuehrer great concern. It was appreciated on the German side that Roatta wished to spare Italian blood, but it was believed that he was, as it were, trying to drive out Satan with Beelzebub by this policy. The gans had to be exterminated, and that included men, women and children, as their continued existence imperilled the lives of German and Italian men, women and children."

Do you still say that you did not want harsh treatment of women and children?

A What page is that on?

Q It is on page 10 to 13. It is the last paragraph on my translation. "The gans had to be exterminated, and that included men, women and children, as their continued existence imperilled the lives of German and Italian men, women and children."

A If I did say that at any time, it must have been under great excitement. That did not express my ral opinion. I believe that that has been proved by my other acts during the war.

Q I will just show you one of your other acts, which will he the final one, if the Tribunal will bear with me. It is document D/740, which will be GB 297. This is a memorandum of the conversation between the Reich Foreign Minister and Secretary of State Bastianini in the presence of Ambassadors von Mackensen and Alfieriat, Klessheim castle on the afternoon of the 8th of April 1943. If you will look at the beginning, I think you were discussing some strike in Italy. You say:

"The Reich Foreign Minister's supposition that this strike had perhaps been contrived by British agents was energetically contested by Bastianini. They had been Italian communists, who still existed in Italy. The Reich

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Foreign Minister replied that, in such a case, only merciless action was any good."

And then, after a statement with regard to the information, you say:

"He did not want to discuss Italy, but rather the occupied territories, where it had been shown that one would not get anywhere with soft methods on the endeavor to reach an agreement. The Reich Foreign Minister then emphasized his train of thought by a comparison between Denmark and Norway. In Norway brutal measures had been taken which had evoked lively protests, particularly in Sweden." And then you go on and after a certain criticism of Dr. Best--

A I can't find it; just what page is it on, please?

Q The paragraph begins: "The Reich Minister's supposition that this strike has perhaps been contrived by British agents"--

A Yes, here it is.

Q Well, you see what I have put to you. You say, "Only merciless action would be any good. In Norway brutal measures had been taken." And at the beginning of the next paragraph: "In Greece, too, brutal action would have to be taken if the Greeks got fresh. He was of the opinion that the demobilized Greek Army should be deported from Greece with lightning speed, and that the Greeks should be shown in iron manner who was master in the country. Hard methods of this kind were necessary if one was waging a war against Stalin, which was not a gentleman's war but a brutal war of extermination."

And then with regard to France, after some statement about the French you say, "Coming back to Greece, the Reich Foreign Minister once again stressed the necessity of taking severe masures."

And in the third line of the next paragraph, "The Fuehrer would have to take radical measures in the occupied territories to mobilize the local labor potential in order that the American armament potential might be opposed by something of equal value." Do you agree? Does that fairly express your view, that you wanted the most severe measures taken in occupied territories in order to mobilize labor to increase the Reich war potential?

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A I can say the following in regard to this document.

Q Well, you can say that, but you can answer my question first. Do these views express your view that--

A No.

Q --severe measures should be taken with foreign labor and with people in occupied territories. Does that document express your views?

A No.

Q Then why did you say it? Why did you say these things?

A Because at that time on the commission of the Fuehrer I had to keep the Italian nose to the grindstone, because the relations between Germany and Italy were in complete chaos; and in the rear areas of the German Army things were in complete confusion. That is why I, on the commission of the Fuehrer, had to talk very harsh language. At that time the Italians were in part fighting against German troops, and for this reason I used rather harsh language to the Italian diplomat, or rather an exaggerated language. But things actually were quite different.

Q It wasn't exaggeration, was it, in both Norway and Greece? You were taking the most brutal measures against the occupied countries.

A No, that is not so. We had nothing to say in Norway; we always tried to bring things about differently. And in Denmark we did everything to reduce these harsh measures, which were in part necessary, because of the paratroopers and so on. I think that can be proved from other documents. I and the Foreign Office worked toward compromise. I don't believe that it is fair and correct to take one or two such statements from the many documents that have been submitted where occasionally I did use harsh words. Before the war I used harsh language. I can recall to you that foreign statesmen also used harsh language regarding the treatment of Germany.

Q Tell me this: every time today when you have been confronted with a document which attributes to you some harsh language or the opposite of what you have said here you say that on that occasion you were telling a diplomatic lie. Is that what it comes to? Thank you very much.

THE PRESIDENT: Sir David, do you have all of these documents in evidence?

SIR DAVID MAXWELL-FYFE: Yes, My Lord.

(The Tribunal adjourned until 2 April 1946 at 1000 hours.)